

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

JUNE 27, 1997

(Published July 5, 1997,
in Finance and Commerce)

Council Chamber
Minneapolis, Minnesota
June 27, 1997 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Niland,
McDonald, Minn, Mead, Scott, Schulstad, Herron,
Rainville, Dziedzic, Thurber, Campbell, Biernat,
President Cherryhomes.

Campbell moved approval of the minutes of
the regular meeting of June 6 and the adjourned
closed session held June 6, 1997. Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and
communications and reports of the City officers to
proper Council committees and departments.
Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

CLAIMS:

CITY CLERK (262827)

Barton, Bertram T; Bertram, Matilda;
Billington, Cindy; Biros, Claude M; Burlis,
Laura; Burns, Danny Hugh; Callahan,
Margaret; Christenson, Andria; Davis, Tammy;
Erickson, Linda; Hall, Nicholas; Heichert, Ronald;
Hockert, George P; Holtzermann, Jane; Humar,
Abhi; Husney, Edward/Methodist Hospital
(3 Claims); Laabs, Thomas M; Long, June Hilary;
Louden, Thomas R.; Lyles, Nicole; McAdams,
Jill; Meers-Lager, Cynthia A; Metropolitan
Underground Services Inc; Miller, David J;
Nafie, Mohammed Hamed; Norwest Financial-
Plymouth; Nowak, Clarice; Oliver, Lloyd;
Omlie, Andrew W, William, & Carol & Atty

Norman Perl; Ostby, Ray L.; Pennie, Tracey;
Phillips, Arthur Lee/sub St Paul & Marine Ins
Co; Poerio, Lisa Marie; Seyb, Stephen L;
Smith, Shannon Maree; Ugo, Patsy; Wiggins,
Stanley K; Windhorst, Patti; Withers,
Vicki.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262828)

Block E: MCDA: Conceptual apprvl of
Brookfield LePage Project, Revoke development
rights for Block F, Direct staff negotiate
development agrmt & initiate modifications to
Common Plan. Brookfield LePage: Supportive
drawings, maps.

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262829)

Lot Division (2526 Upton Av N): Apprv
division & waive subdivision plat requirement
w/attachs, map.

COMMUNITY DEVELOPMENT and

INTERGOVERNMENTAL RELATIONS:

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262830)

Payment in Lieu of Taxes (PILOT) Prog:
Consider at next legis session & delete from
agenda.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262831)

Rosacker Nursery Site, Rose Court
Townhomes (Stinson Blvd & 18th Av NE):
MCDA: Pass resl approving Mod 49 to Common

Plan & Common TIF Plan, w/attach maps, notice of pub hrg; Request set pub hrg.

Planning Commsn: Comments.

W&M/Budget Cmte: Comments.

SEMI: Retroactively auth MCDA staff to apply to MN Bd of Water & Soil Resources for Wetland Replacement Prog Grant, w/map, budget.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (262832)

Family Resource Ctr at Northeast Middle School: Apprv use of Henn Cty "second 7.5%" NRP funds & approp funds, w/attachs from Henn Cty & Mpls Public Schools.

Nicollet Island-East Bank Neighborhood: Apprv NRP Action Plan, Approp funds; Summary of funding to date; Budget.

Corcoran Neighborhood: Apprv NRP Action Plan, Approp funds; Summary of funding to date; Budget.

INTERGOVERNMENTAL RELATIONS:

LIAISON/FEDERAL, LOCAL AND STATE (262833)

Federal Issues: Budget Update.

NEIGHBORHOOD SERVICES DEPARTMENT (262834)

Welfare Reform: Update.

INTERGOVERNMENTAL RELATIONS

(See Rep):

POLICE RELIEF ASSOCIATION (262835)

Local Apprv re Pension Benefits: Info, summary & text of bill.

PUBLIC SAFETY AND REGULATORY

SERVICES (See Rep):

CITY CLERK (262836)

3rd & 4th Sts, Nicollet Mall & Marquette Av prkg lot (Walt Disney World Co) live stage show w/fireworks; Boom Island (Mpls Aquatennial Assn) fireworks;

INSPECTIONS DEPARTMENT (262837)

Raze Bldgs: Apprv demolition of 3052 14th Av S, 3550 Queen Av N, 2720 13th Av S & 1906 Portland Av.

Raze Bldgs: Apprv demolition of 620-22 E Franklin Av.

INSPECTIONS DEPARTMENT (262838)

Rental Dwelling Licenses: Info re Ordinance changes.

INSPECTIONS DEPARTMENT (262839)

Rental Dwelling Lic: Revoke for property at 729 E 16th St.

INSPECTIONS DEPARTMENT (262840)

Truth in Sale of Housing Examining Bd:

Apprv reappts.

LICENSES AND CONSUMER SERVICES (262841)

Lics: Appls.

MAYOR (262842)

Citizens Environmental Advisory Cmte:

Apprv appts.

POLICE DEPARTMENT (262843)

Child Abuse: Contr w/Child Abuse Evaluation Ctr.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/ BUDGET (See Rep):

ATTORNEY (262844)

Diversion Prog: Contr w/CMC Justice Servs, Inc.

CIVILIAN POLICE REVIEW AUTHORITY (262845)

Civilian Police Review Authority (CPRA): Redesign info.

HUMAN RESOURCES (262846)

Civilian Police Review Authority: Info re Executive Director Position:

LICENSES AND CONSUMER SERVICES (262847)

Employment of Persons w/Development Disabilities: Contr w/Lifeworks.

Lead Liaison Position: Agrmt w/MN State Dept of Health.

POLICE DEPARTMENT (262848)

Automated Pawn System (APS): Execute APS Service & Software Lic Agrmts w/other jurisdictions on an on-going basis.

TRANSPORTATION AND PUBLIC WORKS:

CITY CLERK (262849)

Critical Parking Area (Upton Av S from 2001 to 2021): Appl of Walter Fields/Yvonne Haik requesting Type "C" CPA, No Parking Anytime, Except by Permit.

PUBLIC WORKS AND ENGINEERING (262850)

Water Shut-offs: Direct personnel from Public Works, Finance & City Attorney to evaluate current process, identify problem areas, and report back w/recommendations for improvements.

Street Maintenance and Repair: Request approp for increased street repair work.

Traffic Control Restrictions: Quarterly report for stop signs, parking/turn restrictions, zones, street lights, etc.

**TRANSPORTATION AND PUBLIC WORKS
(See Rep):**

**PUBLIC WORKS AND ENGINEERING
(262851)**

Bridge Projs: Auth submit appls to MnDOT for ISTEA funds and commit City funds for local dollar match.

Signal and Grade Crossing Improvements (Marshall St NE & 17th Av NE): Execute agrmt w/MnDOT & Burlington Northern Santa Fe (BNSF) RR to improve street crossings; Apprv work to be performed by BNSF RR, City forces & MnDOT; Close California St to traffic from 17th Av NE to a point 136' north; and Close 17th Av NE traffic from Grand St NE to California St NE, except portion used for public alley purposes.

Parking Lot (Beacon St): Renew lease w/Twin City Tile & Marble Co, 2218 University Av SE, to allow private parking in street r/w.

Construction of TH 62 Roadway from TH 121 to Morgan Av S: Request Comsnr of Transportation to grant variance.

Routine Maintenance of Trunk Highway System in City of Mpls: Execute agrmt w/MnDOT to maintain system, incl TH 55 Corridor betw Lake & E 54th Sts for 1997-99.

**PUBLIC WORKS AND ENGINEERING
(262852)**

Solid Waste Collection Point Area Cleanups: Adopt & levy assessments, w/objections.

Bryn Mawr Planting Icon Proj: Sponsor Bryn Mawr Neighborhood's appl to MnDOT for Community Roadside Landscape Partnership Program Grant to install landscape/gateway enhancement in r/w along Wly side of Penn Av Nly of I-394.

Metropolitan Waste Control Comsn: Renew Interceptor Maintenance Agrmt for reimbursement to City for costs incurred in operation & maintenance of facilities acquired by Comsn in 1997.

Northeast Retail Complex (The Quarry): Auth enter MPCA Voluntary Investigation and Cleanup Prog to complete construction of entrance into complex at Johnson St NE & I-35W Ramps.

Bridal Veil Park (600 blk of Kasota Av): Execute access agrmt w/MPCA to verify presence & magnitude of groundwater contamination by installing groundwater monitoring wells.

**TRANSPORTATION AND PUBLIC WORKS
and WAYS & MEANS/BUDGET**

(See Rep):

**PUBLIC WORKS AND ENGINEERING
(262853)**

Sanitary Sewer (25th St E betw 1st & Stevens Aves S): Request to proceed & do work, revise proj cost estimate, adopt special assessments, apprv City funded portion, and approp assessed portion, w/objection.

Extraordinary Maintenance on County State Aid Highway System: Execute agrmt w/Henn Cty for seal coating CSAH 153 (Lowry) - Filmore St to Stinson Blvd w/in City; and Apprv approp, to be reimbursed by Henn Cty.

Ritz Parking Lot: Amend lease agrmt w/OLAF Ltd Partnership to extend term from 12/31/98 to 12/31/2001 & provide lease pmts; Execute agrmt w/University of St Thomas to provide annual pmt to City to be transferred to WMEP/UST Parking Ramp; Auth annual transfer from Ritz Lot to WMEP/UST Municipal Ramp for five yrs, commencing in 1997.

PURCHASING (262854)

Bids: Accept:

OP #4640, low bid of Minnesota Petroleum Service for new fuel stations at 1809 Washington St NE, 6036 Harriet Av S & 1911 E 26th St;

OP #4636, low bid of RETUSA Inc for cleaning and lining of cast iron water mains;

OP #4644, low bids mtg specs of Albers Sheetmetal and Ventilating; and EDS, Inc a/k/a Energy Development Services for HVAC Equipment at Public Service Center;

OP #4643, only bid of National Mineral Corp for fly ash.

WAYS AND MEANS BUDGET:

FIRE DEPARTMENT (262855)

Report on City Flood Response Activities in Red River Valley.

PURCHASING (262856)

Staff Purchasing Letters.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (262857)

River Road Proj: Recmds re Pk Bd request for City Letters of Indemnification for Minnegasco re land acquisition to complete river rd.

Settlements: Claims of Shoua Vang, Lois & Michael Sudue and Danielle K. O'Neill.

Civil Rights Commission Rules of Procedure for Contested Case Hrgs: Amendments to include mediation process.

School Block Proj: Issue RFP seeking liability & property insurance for City ramp portion of proj.

ELECTIONS DEPARTMENT (262858)

Voting Equipment Storage: Execute lease w/Mid-City Industrial Plaza.

FINANCE DEPARTMENT (262859)

Risk Management Prog: Recmds of implementation grp & proposed dept redesign.

Utility Bill Message: Promoting National Night Out.

GRANTS AND SPECIAL PROJECTS (262860)

CDBG Contrs: Extend contrs w/Mpls Library Bd for facility ADA improvements & ARC of

Henn Cty to complete homeownership prog.

HUMAN RESOURCES (262861)

Interest Based Collective Bargaining: Auth use in contr negotiations w/AFSCME.

INFORMATION & TECHNOLOGY SERVICES (262862)

Human Resource Support Servs: Extend contr w/Prism Grp.

SISP Proj Evaluation & Prioritization Process (PEPP): Extend consulting contr w/Computer Sciences Corp (CSC).

MAYOR (262863)

Appt to Civil Serv Commission: Mayoral reappt of Christine Siewert.

NEIGHBORHOOD SERVICES DEPARTMENT (262864)

MN Family Investment Prog: Submit Service Delivery Plan Update to State. MN Family Investment Prog: Receive funds from Henn Cty & issue fund avail notices to service providers.

School-To-Career Prog: Issue fund avail notice to Special School Dist #1 for summer internship prog.

Phillips Neighborhood Anti-Crime Prog: Issue fund avail notice to Elaine M. Stately Peacemaker Ctr (AIM Patrol) providing Phillips NRP funds.

1997-98 Adult Employment & Trng Contrs: Issue fund avail notices to providers.

Dislocated Worker Prog: Recv fed & state funds & issue fund avail notices w/serv providers.

STRIDE Prog: Recv funds from Henn Cty & issue fund avail notices/contrs to serv providers.

Youth Employment Funding: Modify grant agrmt w/State to recv addnl funds to support

summer youth & School-To-Career progs.

Older Worker Services: Issue fund avail notices to continue older worker progs.

PURCHASING (262865)

Bid: OP #4641, accept only bid of Krueger Intl for stacking chairs for Mpls Conv Ctr.

MINNESOTA TRANSITIONS CHARTER SCHOOL (262866)

School Relocation: Proposal of Community Hsg Dev Corp to acquire facility at 2526 27th Av S thru use of City appropriation lease note.

ZONING AND PLANNING (See Rep):

CITY CLERK (262867)

3rd Av S, 3450-52 (Darrill Berry) waive full basement requirement; Riverside, 2517 (Suburban Lighting Inc) signs.

HERITAGE PRESERVATION

COMMISSION (262868)

HPC: Apprv reappts of Joe Metzler & Lucy Thompson.

INSPECTIONS/BOARD OF ADJUSTMENT (262869)

Exception Filed: Mary Hinz-Quillin: Appeal filed from decsn apprvg appl of Paul Lauer for variation at 3116 E 51st St, w/Attachments.

PLANNING COMMISSION/DEPARTMENT (262870)

Appeals: Frank Zaragoza: Appeal filed from decsn apprvg appls of Art Bartels/BRW Elness, for Dinnaken Properties for variances & condl use permit for prkg lot at 327 Ontario St SE, w/Attachments; Carla Nielson/Standish-Ericsson Neighborhood Assn: Appeal filed from decsn apprvg appl of American Portable Telecome for condl use permit for communication tower at Roosevelt High School athletic field, 4029-28th Av S, w/Attachments; Bill Carlson/Carlson Manor: Appeal filed from decsn denying change in nonconforming use for 2115 Pillsbury Av S.

PLANNING COMMISSION/DEPARTMENT (262871)

Vacations: Henn Cty Regional Railroad Authority: Clinton Av bridge that crosses 29th St railroad corridor; MCDA: Alleys in blk bounded by 2nd St N, Plymouth & Washington Avs N & 14th Av N; MCDA: Alley in blk bounded by 15th & 16th Avs N, 2nd St N & Washington Av N.

Zoning Code Text Amendment: Ordns amend Title 20, Chap 536 & adding new Chap 558 re creating a Linden Hills Overlay Dist, wAttachment.

Waiver Request: Jerry Larsen/JJ Investments,

for The Firm: Req for waiver from E Hennepin Study Area moratorium for aerobic studio at 318 E Hennepin Av.

Small Area Plan for Central/Phillips/Powderhorn Park Neighborhoods.

PLANNING COMMISSION/DEPARTMENT (262872)

Vacation: MCDA: Alleys in blks bounded by 4th Av N, 2nd St N, 7th Av N & 1st St N.

PLANNING COMMISSION:

RELIANCE DEVELOPMENT CO (262873)

Permsn to vacate r/w in vic of Huron Blvd & Washington Av SE.

MOTIONS (See Rep):

ATTORNEY (262874)

Workers' Compensation: Pmts to injured City employees.

FILED:

CHARTER COMMISSION (262875)

Proposed amendment to Chap 19, Sec 4 of Charter relating to Civil Service, amending the unclassified service list, proposed by Library Bd, w/attached letter from Charter to IGR Cmte to consider appropriateness.

Proposed amendment to Chap 5 of Charter relating to Taxation and Finance, adding new Sections 40-42 creating a new Mpls Joint Coordinating Bd.

Proposed petition for referendum to amend Chap 11 of Charter relating to Miscellaneous Provisions, adding a new Section 19 relating to Civil Rights, sponsored by a committee of electors including Brian Herron et al.

Proposed petition for referendum to amend Chap 15 of Charter relating to Bd of Estimate & Taxation, adding a new Section 13 relating to funding for professional sports facilities, sponsored by a committee of electors including Ricky Rask et al.

CITY CLERK/SPECIAL PERMITS (262876)

6th St N, 2327 (Cougar Construction) waive full basement requirement; 8th St S, 405 (Topline Advertising) sign; 7th St N, 88 (Basilica of St Mary) tents; 24th St E, 506 (Lisa Johnson) operate Patrick's Cabaret; Central Av NE, 3001 (Leroy Signs Inc) sign; Hennepin Av betw 5th & 6th, Blk E (Chuck Hansen) parade viewing area;

Hennepin Av E, 949 (Suburban Lighting Inc) signs; Kirby Puckett Pl, 34, HHH Metrodome (AARCEE Tent Rental) tents; Lake St E, 2106 (Leroy Signs Inc) sign; Lake St E, 4020 (Leroy Signs Inc) sign; Lyndale Av S betw 28th & Lake St (Mary Ann Knox) tents; Marquette, 1001 (Design Group) horse; Minnehaha Av S, 2400 (Universal Signs Inc) sign; Nicollet Mall, 414 (Andrea Yoch) cow & petting zoo; Penn Av S, 6001 (Suburban Lighting Inc) sign; Stinson Blvd, 1440 (Attracta Sign) sign.

CITY CLERK/SPECIAL PERMITS (262877)

Stinson Blvd, 1540 (Leroy Signs Inc) sign; Wirth Beach (Marilynn L Smith) ponies.

NORTHERN STATES POWER (NSP) (262878)

Utilities: Auth place poles at various locations.

REPORTS OF

STANDING COMMITTEES

The **CLAIMS** Committee submitted the following report:

CLAIMS – Your Committee recommends that the claims filed against the City by the following individuals be settled as follows:

690-150 NHP Property Management, \$25,000; Curtiss Blaisdell, \$1,000; Brookdale Dodge, \$1,143.83; Richard Flowers, \$1,603.96; John Korman, \$70; Mindy Prader, \$377.93; Robert Thunder, \$248.95; Jefferson Lines, \$25,000; Francis Melchow, up to \$7,500 for medical expenses.

Your Committee further recommends approval of the following reimbursements to police officers for equipment or uniform losses in the line of duty:

Off. Clinton Letch, \$251.85;
Off. Richard Jackson, \$67.20.
Adopted. Yeas, 13; Nays none.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the division of the lot at 2526 Upton Av N, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and

directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels. (Petr No 262829)

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

RESOLUTION 97R-161
By Niland

Approving the subdivision of a lot at 2526 Upton Avenue North.

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 2526 Upton Avenue North and legally described as:

Lot 6, Block 3, Subdivision of Lots in Ferrant's 1st Addition to Minneapolis be subdivided as follows:

Parcel A: The South 17 feet of Lot 6, Block 3, Subdivision of Lots in Ferrant's 1st Addition to Minneapolis; and

Parcel B: That part of Lot 6 which lies north of the north line of the south 17 feet of said Lot 6, Block 3, Subdivision of Lots in Ferrant's 1st Addition to Minneapolis; and

Whereas, the MCDA intends to convey the subdivided parcels to the owners of adjacent property to create the following combined parcels:

Parcel A: Lot 7, together with the south 17.00 feet of Lot 6, Block 3, Subdivision of Lots in Ferrant's 1st Addition to Minneapolis; and

Parcel B: Lot 5, together with that part of Lot 6 which lies north of the north line of the south 17.00 feet of said Lot 6, Block 3, Subdivision of Lots in Ferrant's 1st Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on June 5, 1997, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 5:30 p.m., June 16, 1997, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City

Council of The City of Minneapolis:

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted. Yeas, 13; Nays, none.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev – Your Committee, having under consideration the revised Brookfield LePage Block E Project, consisting of a cineplex of approximately 100,000 square feet, other entertainment/retail uses of approximately 150,000 square feet, a 240 suite hotel, and a 600 car underground municipal parking garage (Petr No 262828), now recommends:

1. That the Project be approved in concept;
2. That the exclusive development rights for portions of Block F granted to Brookfield LePage by Council action of October 11, 1996 be revoked;
3. That Minneapolis Community Development Agency (MCDA) officers and staff be directed:
 - a. to return to Council on October 10, 1997 with development agreement terms and conditions, a Project finance plan, and revised architectural plans;
 - b. to draft, and initiate the process for approval of, modifications to the Development Program for Development District No 58, the Tax Increment Financing Plan for Tax Increment Financing District No 45, the Common Plan, and related documents pertaining to the proposed redevelopment activity; and
4. That this action be transmitted to the Board of Commissioners of the MCDA.

Mead moved that the subject matter of the report be referred back to the Committee on Community Development. Seconded.

Lost. Nays, 7; Yeas, 6 as follows:

Nays – Niland, Scott, Rainville, Thurber, Campbell, Biernat, Cherryhomes.

Yeas – McDonald, Minn, Mead, Schulstad, Herron, Dziedzic.

Campbell moved that the report be amended by inserting the following language after paragraph 3. b.: "c. to meet with DDRM to follow up on the letter of June 18 and report back to Council on their credentials, experience, etc." Seconded.

Adopted by unanimous consent.
The report, as amended, was adopted.
Yeas, 7; Nays, 6 as follows:
Yeas – Niland, Scott, Rainville, Thurber,
Campbell, Biernat, Cherryhomes.
Nays – McDonald, Minn, Mead, Schulstad,
Herron, Dziedzic.
Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and
WAYS & MEANS/BUDGET Committees
submitted the following reports:

Comm Dev & W&M/Budget – Your
Committee recommends that the officers and
staff of the Minneapolis Community Development
Agency (MCDA) be retroactively authorized to
apply to the Minnesota Board of Water and Soil
Resources for a Wetland Replacement Program
Grant to be used for development of stormwater
management ponds and wetlands in the South East
Minneapolis Industrial (SEMI) Area. (Petn No
262831)

Your Committee further recommends that this
action be transmitted to the Board of
Commissioners of the MCDA.

Adopted. Yeas, 13; Nays, none.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program (NRP)
Policy Board approving the use of Hennepin
County’s “second 7.5%” NRP funds to support
renovation of the Family Resource Center at
Northeast Middle School, as set forth in Petn
No 262832, now recommends:

1. Approval of said use of Hennepin County’s
“second 7.5%” NRP funds for the Family
Resource Center;
2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$100,000;
3. That the proper City officers be authorized to
execute any agreements needed to implement said
use; and
4. That this action be transmitted to the Board
of Commissioners of the Minneapolis Community

Development Agency.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas – Niland, McDonald, Minn, Mead,
Scott, Schulstad, Heron, Rainville, Thurber,
Campbell, Biernat, Cherryhomes.

Nays – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-162 **By Niland and Campbell**

Amending The 1997 Minneapolis **Community Development Agency Appropriation** **Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund
CNR-NRP Program by \$100,000 from projected
fund balance.

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas – Niland, McDonald, Minn, Mead, Scott,
Schulstad, Heron, Rainville, Thurber, Campbell,
Biernat, Cherryhomes.

Nays – Dziedzic.

Passed June 27, 1997. J. Cherryhomes,
President of Council.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program (NRP)
Policy Board approving the Nicollet Island-East
Bank Neighborhood Action Plan (the Plan) and
approving NRP expenditures for the Plan in a total
amount not to exceed \$240,780, as set forth in Petn
No 262832, now recommends:

1. That said Plan, and specifically those parts
of the Plan which fall under City jurisdiction, be
approved;
2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$240,780;
3. That the proper City officers be authorized to
execute any agreements needed to implement
activities set forth in the Plan; and
4. That this action be transmitted to the Board
of Commissioners of the Minneapolis Community

Development Agency.
Adopted. Yeas, 13; Nays, none.
Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 97R-163
By Niland and Campbell

Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund
CNR-NRP Program by \$240,780 from projected
fund balance.

Adopted. Yeas, 13; Nays, none.
Passed June 27, 1997. J. Cherryhomes,
President of Council.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program
(NRP) Policy Board approving the Corcoran
Neighborhood Action Plan (the Plan) and
approving NRP expenditures for the Plan in a total
amount not to exceed \$2,563,645, as set forth in
Petrn No 262832, now recommends:

1. That said Plan, and specifically those parts
of the Plan which fall under City jurisdiction, be
approved;
2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$707,718;
3. That the Minneapolis Community
Development Agency (MCDA) staff be directed to
establish dedicated reserve funds for the Plan
within Fund (CNR) and to assign \$1,278,427 to
such reserve fund for future year expenditures on
the approved Plan;
4. That the proper City officers be authorized
to execute any agreements needed to implement
activities set forth in the Plan; and
5. That this action be transmitted to the Board
of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays, none.
Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 97R-164
By Niland and Campbell

Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund
CNR-NRP Program by \$707,718 from projected
fund balance.

Adopted. Yeas, 13; Nays, none.
Passed June 27, 1997. J. Cherryhomes,
President of Council.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget – Your
Committee, having under consideration
Modification No 49 to the Common Development
and Redevelopment Plan and Common Tax
Increment Finance Plan related to the Rosacker
Nursery Site at Stinson Boulevard and 18th Av
NE, dated May 16, 1997, and set forth in Petrn
No 262831, and having conducted a public hearing
thereon, now recommends passage of the
accompanying resolution adopting said
Modification.

Your Committee further recommends that this
action be referred to the Board of Commissioners
of the Minneapolis Community Development
Agency.

RESOLUTION 97R-165
By Niland and Campbell

Adopting Modification No 49 to the
Common Development and Redevelopment Plan
and Common Tax Increment Finance Plan
(Rosacker Nursery Site).

Be It Resolved by The City Council of The

City of Minneapolis:

Section 1. Recitals.

1.01. That the Minneapolis Community Development Agency (the "Agency") has the authority to propose and implement redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179, as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended; and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.02. That by Resolution No 89R-530 duly adopted December 15, 1989 and approved December 21, 1989, the City of Minneapolis has approved the creation by the Minneapolis Community Development Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the "Common Plans") relating thereto, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, 469.124 through 469.134, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.03. The Agency has caused to be prepared, and this Council has investigated the facts with respect to a proposed Modification No 49 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan (Rosacker Nursery Site) (together, the "Plans"), including an expansion to the Common Project and the creation of a new tax increment district, describing more precisely the activities to be undertaken, public costs, and the identification of a budget for expenditures, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, 469.124 through 469.134, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422, as amended.

1.04. The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Plans to the Hennepin County

Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

Section 2. Findings for the Adoption of the Plans.

2.01. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Common Project Area and TIF District by private enterprise as the proposed development or redevelopment eliminates the blighting influence of an obsolete and deteriorating greenhouse complex, and other aging and blighted buildings and replaces them with 32 owner-occupied townhouse dwelling units and a small neighborhood retail center on the property lying within the boundaries of the TIF District.

2.02. The Council further finds, determines and declares that Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued on June 25, 1997, are incorporated herein by reference, and are on file in the office of the City Clerk as Petition No. 262831.

2.03. The Council further finds, determines and declares that the private redevelopment of the property included in the TIF District would not reasonably be expected to occur solely through private investment and tax increment otherwise available within the reasonably foreseeable future based upon the high costs of site preparation for the existing blighted commercial property, including demolition, soil correction and asbestos and other pollution abatement, and the impact of these costs upon the feasibility of new private, residential, owner-occupied townhouse development and neighborhood commercial development; that the estimated costs of preparing the site, demolishing the existing buildings and improving the public infrastructure are higher than what the market for such owner-occupied townhomes and related commercial development will bear based upon the developer's residential and commercial real estate marketing efforts to date and the Agency's estimate of the market value of developable land; it could not be redeveloped to the predominantly residential reuse that has been proposed; and the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value

estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the District permitted by the Plans.

2.04. The Council further finds, determines and declares that the property to be included in the TIF District consists of property that qualifies for inclusion in a redevelopment district and is blighted and the buildings are substandard, as defined in Minnesota Statutes, Section 469.002, Subdivision 11 and Section 469.174, Subdivision 10 (1); that the tax increment financing district to be established meets the criteria of a Redevelopment District as defined therein, based upon detailed and documented parcel-by-parcel interior and external inspections of the properties to be included in the TIF District; and that the reasons and supporting facts for these determinations are retained and available from the Agency.

2.05. The Council further finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047, and Sections 469.174 through 469.179, as amended.

2.06. The Council further finds, determines and declares that the municipality elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subdivision 3 (a), and that it is the intent of the City and Agency that the entire fiscal disparity contribution required of the City for development occurring within this District be taken from outside this District.

2.07. The Council further finds, determines and declares that the municipality elects to make the qualifying local contribution to project costs required pursuant to Minnesota Statutes, Section 273.1399, thereby exempting the City from the State Aid Offset (LGA/HACA penalty) on the TIF District.

2.08. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve Modification No 49 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan (Rosacker Nursery Site).

Section 3. **Approval of the Plans.**

3.01. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date, are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. **Implementation of the Plans.**

4.01. The officers and staff of the City and

the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 13; Nays, none.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR – Your Committee recommends passage of the accompanying Resolution approving Laws of Minnesota 1997, Chapter 233, Article 4.

RESOLUTION 97R-166

By Rainville

Approving Laws of Minnesota 1997, Chapter 233, Article 4.

Whereas, the Minnesota State Legislature has passed a law relating to pensions of Minneapolis police and firefighters; and

Whereas, said law allows excess investment income to be up to 1.5% of total assets in specified circumstances; and

Whereas, said law does not require the City of Minneapolis to levy a property tax to fund any police or fire fund deficit of less than 100% unless the condition exists for 2 successive years; and

Whereas, said law provides a schedule of increased benefits for persons with 20 or more years of service with Minneapolis Police and Fire Departments when pension fund has actuarial assets of more than 90% of liabilities; and

Whereas, said law permits current and future Minneapolis police and fire retirees to elect optional retirement annuities that are actuarially equivalent to normal single life annuities; and

Whereas, said law permits Minneapolis police and fire surviving spouses who are not otherwise qualified to receive a benefit if the spouse was married to the decedent for 5 years and was residing with the decedent at the time of death; and

Whereas, said law permits annual post-retirement payments of up to 1 1/2% of the assets

of the funds (instead of 1%) when the fund has actuarial assets greater than 102% of actuarial accrued liabilities and further provides that assets used for post-retirement payments may not exceed 1/2 of 1% when assets are less than 102%; and

Whereas, said law requires actuarial valuation be filed by May 1 each year, all as more fully set forth in Petn No 262835 on file in the Office of the City Clerk; and

Whereas, said law, by its terms, requires an affirmative vote of the majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted. Yeas, 12; Nays none.

Declining to Vote – Dziedzic.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS – Your Committee, having under consideration the application of La Tortilla Ria Corporation, dba Tortilla Ria, 800 Washington Av SE, new business, for an On-Sale Wine Class E with Strong Beer License, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Biernat moved that the report be postponed. Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee, having under consideration the application of Clementina Serna and Estela Quintana, dba El Nortena Market and Deli, 4000 E Lake St, for a Sidewalk Cafe Permit, and having held a public hearing thereon, now recommends that said permit be granted, subject to final inspection and compliance with applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, to whom was referred Ordinances amending Title 15, Chapters 385 and 389, now recommends that the following Ordinances be given their second reading for amendment and passage:

a) Chapter 385 relating to Offenses — Miscellaneous: In General, repealing Sections 385.95, 385.100, 385.110 and 385.115; and

b) Chapter 389 relating to Offenses — Miscellaneous: Noise, amending various sections relating to noise control.

Your Committee further recommends summary publication of the above-described Ordinances.

Biernat moved that the report be postponed. Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee, to whom was referred an Ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to **Housing: Maintenance Code**, now recommends that said Ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 97-Or-056, amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to **Housing: Maintenance Code**, amending Sections: 244.130 to allow “an occupant instead of the occupant” to consent to an inspection (to assist in cases where there are multiple tenants) & to provide for use of the “administrative warrant;” 244.140 deleting language requiring tenant to give access to landlord, deferring to State Statutes 244.285, deleting provision to allow access to unit when a disclosure notice is left after an inspection;

244.1840, requiring floor & unit number, and/or letter and/or designation for each unit; 244.1850, creating minimum inspection standards relative to inspecting a percentage of buildings; 244.1855, clarifying percentages depending on size of building (50% for 10 or less units & 20% for larger buildings); 244.1890, referencing new inspections guidelines; 244.1910, requiring current register of tenants, including floor & unit numbers; and 244.2000 requiring building scheme as part of current register, requiring licensee to permit inspections by consent or pursuant to administrative warrant or other warrant, requiring building scheme to be provided within 10 days of request, requiring licensee to submit current information, including building scheme as part of license application, was passed June 27, 1997 by the City Council and approved July 2, 1997, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 97-Or-056

By Biernat

Intro & 1st Reading: 3/7/97

Ref to: PS&RS

2nd Reading: 6/27/97

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section I. That Section 244.130 of the above-entitled ordinance be amended to read as follows:

244.130. Inspections required; powers.

Pursuant to provisions of this Code of Ordinances, as set forth herein, the director of inspections shall make inspections to determine the condition of dwellings, dwelling units, shared bath dwellings, shared bath units, rooming units, hotel units, and premises located within the city for the purpose of enforcing the provisions of the housing maintenance code. The director of inspections, or designated representative, may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, hotel units, lodging units, and premises after obtaining consent from the an occupant of the premises. In the event that the an occupant of the premises does not consent to

entry by the director of inspections or designated representative, and if there is probable cause to believe that an inspection is warranted a violation of Minneapolis codes exists in the premises, then application may be made to the court for a search an administrative or other warrant for the purpose of inspecting the premises. No person shall refuse entrance or impede the commissioner of health, director of inspections, chief of the fire department, or the chief of police, or designated representative, in the performance of emergency duties and in case of emergency every such inspector or officer shall have the right to enter, examine and survey all premises, grounds, erections, structures, dwellings and buildings and every part thereof in the city at all times.

Section 2. That Section 244.140 of the above-entitled ordinance be amended to read as follows:

244.140 Occupant to give access to owner or operator. ~~Every occupant of a dwelling, dwelling unit, rooming unit, shared bath dwelling or shared bath unit shall, within twenty-four (24) hours after receiving written notice, give the owner or operator thereof, or agent or employee, access to any part of such dwelling, dwelling unit, rooming unit, shared bath dwelling or shared bath unit or its premises, at all reasonable times for the purpose of effecting such inspection, as set out in sections 244.130 and 244.2000(c), and maintenance, in making such repairs, or making such alterations as are necessary to comply with the provisions of the housing maintenance code.~~ When, under the authority set out in section 244.600 of this Code, the extermination of pests is required to be done by a person licensed so to do, the occupant shall, five (5) calendar days after receiving written notice, remove the contents of cupboards, closets and similar places so the extermination can be effective.

Section 3. That Section 244.285 of the above-entitled ordinance be amended to read as follows:

244.285. Tenant to be notified of entry.

Whenever an owner, or an agent or person acting under the owner's direction and control, intends to enter a dwelling unit leased or rented to a tenant or lessee, the person making the entry shall, prior to the time of entry, make a good faith and reasonable effort to notify the tenant or lessee that such entry will be made. ~~When entry is required by city officials charged with enforcing the housing maintenance code, in cases of emergency, or where the person making the entry has been unable to notify the tenant or lessee, after making a good faith and reasonable effort, it shall be sufficient if~~

disclosure of such entry is made in writing at the time of entry, and such writing is left in a conspicuous place in the dwelling unit. Notice under this section is not required where the tenant or lessee otherwise had knowledge of or previously authorized the entry.

Section 4. That Section 244.1840, Subdivision (e), of the above-entitled ordinance be amended to read as follows:

244.1840. Application for license. Within ninety (90) days after the effective date of this ordinance [article], the owner of each rental dwelling shall make written application to the director of inspections for a license to carry on the business of renting residential property. In addition, the owner of each such rental dwelling constructed after the effective date of this ordinance [article] shall make written application to the director of inspections for a license as herein provided prior to initial occupancy. Such application shall be made on a form furnished by the director of inspections for such purpose and shall set forth the following information:

(e) Number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units). For each unit, specify the floor number, and the unit number and/or letter and/or designation.

Section 5. That Section 244.1850 of the above-entitled ordinance be amended to read as follows:

244.1850. Provisional licenses. The director of inspections shall issue a provisional license to the owner of a rental dwelling who has submitted an application and paid the license fees required by this article. A provisional license shall authorize the continued occupancy of rental dwelling units in actual existence on the effective date of this ordinance [article], pending issuance of a rental dwelling license. Dwelling units constructed or converted to rental usage after the effective date of this ordinance [article] shall not be eligible for a provisional license, and shall not be occupied for human habitation prior to the issuance of the required license.

A provisional license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building ~~and all dwelling units have~~ has been inspected for compliance with the minimum standards set forth in Section 244.1855 of this article. A provisional license is not a determination that the building complies with the housing maintenance code or the minimum standards set forth in this article.

Section 6. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1855 to read as follows:

244.1855. Minimum inspection standards. The minimum standard to be used for inspections, pursuant to Section 244.1890, for compliance with the housing code for buildings with provisional or nonprovisional licenses shall include the inspection of the building exterior, the common areas and the basement. In addition, if there are ten (10) or less individual dwelling units in the building, minimum inspection requirements include inspecting fifty (50) percent of the individual dwelling units, with a minimum of at least one (1) dwelling unit. If there are between eleven (11) and twenty-four (24) individual dwelling units, inclusive, in the building, minimum inspection requirements include inspecting five (5) individual dwelling units in the building. If there are twenty-five (25) or more individual dwelling units in the building, minimum inspection requirements include inspecting twenty (20) percent of the individual dwelling units. The specific individual dwelling units to be chosen for inspection shall be determined pursuant to inspection department policy.

Pursuant to the above minimum standards to be used for inspections for compliance with the housing code for buildings with provisional or nonprovisional licenses, the individual dwelling units to be inspected per building shall be determined using the following table:

<u>Number of individual dwelling units per building</u>	<u>Number of individual dwelling units to be inspected</u>
<u>1-3</u>	<u>1</u>
<u>4-5</u>	<u>2</u>
<u>6-7</u>	<u>3</u>
<u>8-9</u>	<u>4</u>
<u>10-29</u>	<u>5</u>
<u>30-34</u>	<u>6</u>

<u>35-39</u>	<u>7</u>
<u>40-44</u>	<u>8</u>
<u>45-49</u>	<u>9</u>
<u>50-54</u>	<u>10</u>
<u>55-59</u>	<u>11</u>
<u>60-64</u>	<u>12</u>

Buildings having sixty-five (65) or more individual dwelling units shall have the number of individual dwelling units to be inspected calculated at twenty (20) percent of the total number of individual dwelling units per unit.

If the rental dwelling structure is considered to be "substandard" as defined by section 244.1920, the director or authorized representative may inspect additional units, up to all of the units in the building.

Section 7. That Section 244.1890 of the above-entitled ordinance be amended to read as follows:

244.1890. Inspection guidelines. The director of regulatory services shall adopt a policy for inspecting all rental dwellings which are required to be licensed under this article, consistent with inspection procedures set forth in section 244.130 of this ordinance or section 244.1855. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors and any other factors deemed by the director to promote an efficient inspections program:

- (a) Geographic distribution and concentration of rental dwellings.
- (b) Designation of rental dwellings as Category 4 or 5 in the records of the city assessor.
- (c) Rental dwellings with delinquent property taxes.
- (d) Property identified by the inspections department as having an excessive number of housing code violations or a history of non-compliance or slow compliance with housing inspection orders.
- (e) Rental dwellings for which no license or provisional license has been applied, or which were unregistered under former Article III of this chapter.
- (f) Rental dwellings with an excessive number of police calls for drug offenses, prostitution, crimes of force or violence, and loud disturbances or parties.
- (g) Sale of the equitable interest in a rental dwelling property.

Section 8. That Section 244.1910 be amended to add a new Subdivision (i) and a new Subdivision (j) to read as follows:

244.1910. Licensing standards.

(i) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for review by the director or his or her authorized representatives at all times.

(j) The licensee shall submit to the director of inspections or an authorized representative of the director the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.

Section 9. That Section 244.2000 (b) and (c) be amended; and new subdivisions (e) and (f) be added to read as follows:

244.2000. Duties of licensee. Every holder of a rental dwelling license or provisional license shall:

(b) Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation, within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for ~~inspection review~~ by the director or his/her authorized representatives at all times.

(c) Permit the director of inspections and his or her authorized representatives, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with the housing maintenance code, and the fire, health, zoning and building codes of the city. Such inspections shall be made at such frequencies as the director in his or her sole judgment shall deem appropriate and necessary, and when practical shall provide reasonable advance notice to the license holder or a managing agent.

(e) Upon written order of the director of inspections or an authorized representative of the director, the licensee shall provide the director or authorized representative, within the ten (10) days, the following information: the number of dwelling, rooming, and shared bath units in the building, specifying for each unit, the floor number, and unit number and/or letter and/or designation.

(f) Submit current application information as required by Section 244.1860 of this Chapter.

Adopted. Yeas, 12; Nays none.

Absent - Dziedzic.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire July 1, 1998

Minnesota Vikings Ventures, Inc, dba Vikings, 500 11th Av S;

Marker's Liquor Store, Inc, dba Marker's Liquor Store, 1538 Nicollet Av;

KJM Enterprises, Inc, dba Lowry Hill Liquors, 1922 Hennepin Av, 1st floor;

Jose & Luke, Inc, dba Hi-Lake Liquors, 2218 E Lake St, B;

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 1998

Guthrie Theater Foundation, 725 Vineland Place;

Metropolitan Sports Facilities Commission, dba HHH Metrodome, 900 S 5th St;

Pepito's Mexican Foods, Inc, dba Pepito's, 4820 Chicago Av;

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 1998

Nath-Son, Inc, dba Spring Street Bar & Grill, 355 Monroe St, Spring St Bar parking lot, 355 Monroe St, 6/28/97, 5-10PM;

Caboose Enterprises, Inc, dba Cabooze, 913-917 Cedar Av, temporary outdoor entertainment & temporary expansion of premises, 6/29/97 and 8/17/97, Noon-9PM;

Regency Plaza Company, LLC, dba Regency Plaza Hotel, 41 N 10th St;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 1998

Moose Monroe, Inc, dba Moose on Monroe, 356 Monroe St, temporary expansion of premises, 6/28/97, 10AM-9PM;

T. J. Management of Minneapolis, Inc, dba Gabby's Saloon & Eatery, 1900 Marshall St, temporary expansion of premises & temporary outdoor entertainment, 6/28/97, 2PM-11:30PM;

American Legion Post #1 Housing Corporation, dba American Legion Post #1, 2532 25th Av S, temporary expansion of premises, 7/4/97, Noon-4PM;

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 1998

TGI Fridays of Minnesota, Inc, dba Italiannis, 611 Hennepin Av;

TGI Fridays of Minnesota, Inc, dba TGI Fridays, 615 Hennepin Av;

Zuhrah Shrine Temple, 2540 Park Av;

Ballentine VFW Post #246, 2916 Lyndale Av S;

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 1997

Tay-Mac, Inc, dba Whiskey Junction, 901 Cedar Av, temporary expansion of premises & temporary outdoor entertainment, 6/15/97, Noon-9PM;

German Restaurants, Inc, dba Gasthof Zur Gemutlichkeit, 2300 University NE, temporary expansion of premises & temporary outdoor entertainment, Sommerfest German Festival, 6/20/97, 6/21/97, 6/27/97, 6/28/97, 5-10PM;

On-Sale Liquor Class C-1, with Sunday Sales, to expire July 1, 1998

Loring Cafe, Inc, dba Loring Cafe & Bar, 1624-30 Harmon Pl;

On-Sale Liquor Class D, with Sunday Sales, to expire July 1, 1998

Nora's Calhoun, Inc, dba Nora's, 3118 W Lake St, outside expansion Class E only;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 1998

Associated Food Services, Inc, dba Pronto Ristorante, 1300 Nicollet Mall, new manager;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 1998

Bob McNamara 44, Inc, dba Mac's Sports Bar/Grill, 301 Central Av SE;

SIB, Inc, dba 331 Club, 331 13th Av NE;

Largo Enterprises, Inc, dba Whitey's World Famous Saloon, 400 E Hennepin;

Arone's Bar, Inc, dba Arone's Bar, 500 Central Av NE;

Minnesota Vikings Ventures, Inc, dba Vikings, 500 11th Av S;

Cedar Point, Inc, dba Palmer's Bar, 500 Cedar Av;

Mill Inn, Inc, dba Mill Inn, 515 Washington Av S;

Tuttle, Inc, dba Elsie's, 729 Marshall St;

Bottle Club, to expire March 31, 1998

Ames Lodge #106, dba Elk's Lounge, 1614 Plymouth Av;

Cato Shrine Grand Temple, dba Ancient Arabic Order Nobles, 2223 Golden Valley Rd;

Star Spangled Banner Post #1149, dba Veterans of Foreign Wars, 3016 17th Av S;

Spruce Tree Lounge, Inc, dba Spruce Tree Lounge, 3836 4th Av S;

Wold-Chamberlain Post #99, dba American Legion, 5600 34th Av S;

Temporary On-Sale Liquor

Imperial Sovereign Court/Ice Castle, dba Rock the Avenue Block Party, 314 Hennepin Av, #1409, 6/28/97, Block Party, 4-10PM;

On-Sale Wine Class E with Strong Beer, to expire April 1, 1998

Mud Pie Vegetarian Restaurant, Inc, dba Mud Pie, 2549 Lyndale Av S;

On-Sale Beer Class E, to expire April 1, 1998
Haza Charters, Inc, dba 19 Bar, 19 W 15th St, regular expansion of premises;

Tyrone Sharpe, dba Chatterbox, 2229 E 35th St, change in ownership from Kenneth W. Carpentier;

Haza Charters, Inc, dba 19 Bar, 19 W 15th St, downgrade from On-Sale Beer Class B;

Daniel Lam & Cuong Hung Lam, dba Shuang Cheng Restaurant, 1320 SE 4th St;

Bottle Club – On-Sale Beer Class E, to expire April 1, 1998

Cato Shrine Grand Temple, dba AAONMS, 2223 Golden Valley Rd;

Star Spangled Banner VFW Post #1149, 3018 17th Av S;

Wold-Chamberlain American Legion, dba Post #99, 5600 34th Av S;

Temporary On-Sale Beer

Children's Health Care Foundation, dba Grand Prix of Minnesota, 2525 Chicago Av, 7/4-7/6/97, 8:30AM-8:30PM, downtown Minneapolis;

Minneapolis Aquatennial Association, dba Riverplace, 43 Main St SE, Suite 145, 7/23/97, 3:30-10:30PM, Block E;

Minneapolis Aquatennial Association dba Riverplace, 43 Main St SE, Suite 145, West of Thomas Beach at Lake Calhoun, 7/27/97, Noon-4:30PM; and

Minneapolis Camden Lions Club, 4942 6th St N, Webber Park, 7/10-7/13/97, Noon-11PM.

Cherryhomes moved to divide the report to consider separately the application of Regency Plaza Company, LLC, dba Regency Plaza Hotel, 41 N 10th St, for an On-Sale Liquor Class B with Sunday Sales License to expire January 1, 1998. Seconded.

Adopted upon a voice vote.

Cherryhomes moved that the separated portion of the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

The report, as divided, was adopted.

Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of June 27, 1997, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 262841):

Building Contractor Class A; Building Contractor Class B; Cement Finisher; Dancing School; Laundry; Dry-Wall Contractor; All-Night Special Food; Food Distributor; Farm-Produce (Profit or Non-Profit) Permit; Grocery; Food Manufacturer; Mobile Food Vendor; Restaurant; Short-Term Food Permit; Seasonal Short-Term Food Establishment; Sidewalk Cafe Permit; Heating, Air Conditioning, Vent Installer Class A; Heating, Air Conditioning, Vent Installer Class B;

Hotel; Motor Vehicle Dealer-New & Used; Motor Vehicle Dealer-Used Only; Motor Vehicle Repair Garage; Peddler-Special Religious; Pet Shop; Plasterer; Plumber; Second-Hand Goods Dealer; Solicitor-Company; Solicitor-Individual; Solid Waste Hauler; Swimming Pools; Taxicab Vehicle; Tobacco Dealers; Tradesman-Combination; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Lesbian & Gay Voices, Inc, 3814 Columbus Av, raffle, 7/1/97, 3338 Park Av S; and St. Maron Catholic Church, 219 6th Av NE, bingo, pulltabs, 8/17/97.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Building Contractor Class A License held by Budget Exteriors, Inc, 8017 Nicollet Av S, Bloomington, and having verified the licensee agreed to forego a formal Technical Advisory Committee (TAC) hearing thereon and to stipulate that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the Recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Building Contractor Class A License held by Sussel Corporation, 1852 Como Av, St. Paul, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing thereon, now recommends adoption of the TAC Recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends approval to hold the following fireworks displays:

a) Minneapolis Aquatennial Big Oooh Aaah Fireworks and Concert, July 27, 1997, 10:00-10:25PM, to be displayed from 3 barges on the Mississippi River in front of Boom Island and South of the Plymouth Av Bridge; and

b) Walt Disney World Company live stage show and fireworks, June 6, 1997, at the parking lot between 3rd & 4th Sts and Nicollet & Marquette Aves, with fireworks at 3PM and 6PM.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the Mayor to appoint the following persons to serve on the Citizens Environmental Advisory Committee for 2-year terms expiring December 31, 1998:

Brian Ross, 2634 Vincent Av N, Ward 5;

Randall Duncan, 3226 E 25th St, Ward 2; and

Jim Sjoselius, 5610 Quinwood Lane,

Plymouth, Environmental Health and Safety Manager.

Your Committee further recommends that the residency requirement be waived, pursuant to Chapter 14, Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a unique and special benefit to the City.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.
Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute Amendment #7 to Contract #7309 with the Child Abuse Evaluation Center, to provide video taped interviews of child abuse victims, for the period from January 1, 1997 through December 31, 1997, in the amount of \$90,000, payable from the General Fund – Police Department Agency – Criminal Investigation, Child Abuse Unit (010-400-C107).

Adopted. Yeas, 12; Nays none.
Absent – Dziedzic.
Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the City Council to reappoint the following persons to serve on the Truth in Sale of Housing Examining Board for 2-year terms to expire May 21, 1999:

Lawrence Baker, 2526 W 22nd St, Ward 7;
Karen Carney, 2311 Humboldt Av S, Ward 7;
Kenneth Kelash, 5873 Sunrise Drive,
Ward 13;
Matt Knopp, 500 W 32nd St, Ward 10;
Edward Walker, 2707 Bryant Av, Ward 5;
Bobbi White, 4626 Stevens Av S, Ward 11;
Charles Blixt, 4117 Arbor Lane, Eagan,
Licensed Evaluator; and
Allen Glorvigen, 9365 Nesbitt Rd,
Bloomington, Real Estate/Property Management.

Your Committee further recommends that the residency requirement be waived, pursuant to Chapter 14, Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a unique and special benefit to the City.

Minn moved to amend the report to delete the language, “Kenneth Kelash, 5873 Sunrise Drive, Ward 13.” Seconded.

Adopted upon a voice vote.
The report, as amended, was adopted.
Yeas, 12; Nays none.
Absent – Dziedzic.

Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Rental Dwelling License held by Lawrence Werner for the property at 729 E 16th St, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing thereon, now recommends adoption of the Recommendation of the Board of Appeals that the Rental Dwelling License held by Lawrence Werner for the premises at 729 E 16th St, Minneapolis, be revoked, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.
Absent – Dziedzic.
Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, and having received Findings of Fact, Conclusions and Recommendations arising from a Public Safety & Regulatory Services Committee hearing thereon, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference, now recommends that the proper City officers be authorized to raze the following properties:

a) 3052 14th Av S, Lot 13, except N 29.3’ thereof & N 33.8’ of Lot 14, Block 1, L&R’s Subdivision in Lawrence & Reeve’s Outlots;
b) 3550 Queen Av N, S 40’ of W half of Lot 1, Utopia addition;
c) 2720 13th Av S, N half of Lot 5, Block 3, Wright’s addition; and
d) 1906 Portland Av, Lot 7, Block 1, A. M. Jerome’s Addition.

Adopted. Yeas, 12; Nays none.
Absent – Dziedzic.
Passed June 27, 1997.
Approved July 2, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the property located at 620-622 Franklin Av E, creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said property is not feasible, and having received demolition bids, in amounts exceeding the \$25,000 limitation, now recommends that the proper City officers be authorized to contract with DKH Excavating for said demolition, in the amount of \$26,000, payable from General Fund – Inspections Department Agency – Hazardous Buildings (010-850-8597), with all costs incurred to be assessed to the real estate, as a special assessment.

Biernat moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

PS&RS – Your Committee, having under consideration the applications of MGA Susu, Inc, dba 418 Club, for Restaurant and Place of Entertainment Licenses, now recommends that the City Attorney's Office be authorized to refer the matter to the Minnesota Office of Administrative Hearings to schedule a hearing to consider whether the applicant, Richard Wise, has been rehabilitated and to prepare findings of fact and conclusions of law by an administrative law judge, pursuant to Minnesota Statutes, Section 364.06.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Lifeworks to provide for employment of persons with developmental disabilities, for the period from June 1, 1997 through May 31, 1998, in the amount of \$22,000, with \$11,000 payable from the General Fund – Licenses and Consumer Services (L&CS) Agency (010-835-8370) and \$11,000 from Municipal Parking – L&CS Agency – Parking and Traffic Control (750-835-8370).

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute an agreement with the Minnesota Department of Health for transfer of funds from the United States Centers for Disease Control for the purpose of continuing the Lead Liaison position, originally created to conduct community assessment, develop an outreach network for landlords and to conduct and evaluate 14 training sessions for landlords to provide information relating to creating and maintaining lead-safe housing, for the period from July 1, 1997 through June 30, 1999, in the amount of \$118,014.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation for the Licenses and Consumer Services Agency by \$118,014.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-167

By Biernat and Campbell

Amending The 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses and Consumer Services Agency in the Federal Grants Fund (030-835-8392) by \$118,014 and increasing the Licenses and Consumer Services Agency revenue estimate in the Federal Grants Fund (030-835-8392-Source 3210) by \$118,014.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute an agreement with CMC Justice Services, Inc, to conduct a program offering misdemeanor shoplifting offenders a diversion program as an alternative to prosecution, requiring completion of training sessions and restitution to victims, at no cost to the City.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee, having under consideration consolidation of the Civilian Police Review Authority (CPRA) into the Civil Rights Department, and having discussed redesign of CPRA at a recent Council retreat, now recommends:

PS&RS – that the matter proceed through the redesign process, as discussed at said retreat.

W&M/Budget – that the matter proceed through the redesign process, as discussed at said retreat, and that a redesign team be formed, consisting of the following members, to conduct an analysis of the CPRA to determine whether the CPRA provides the appropriate service required (based on current expectations), in the most cost-effective manner, and whether the CPRA has the structure and staffing to provide this service:

- 1) Kathleen O'Brien, City Coordinator;
- 2) Mike Norton, Deputy City Attorney, Civil Division;
- 3) Al Berryman, President, Police Federation;
- 4) Kenneth White, Executive Director of the Department of Civil Rights; and
- 5) Pat Hughes, Executive Director of the CPRA.

Your Committee further recommends that the redesign team report back to the Public Safety & Regulatory Services and Ways & Means/Budget Committees by October 1, 1997.

Your Committee further recommends that appropriation of funds to the City Coordinator's budget for research assistance, in the amount of \$5,000, be referred to the Mid-Year Budget Review.

Biernat moved to delete the recommendation of the Public Safety & Regulatory Services Committee. Seconded.

Adopted by unanimous consent.

Biernat moved to amend the report to add the following member to the redesign team:

- 6) David Indrehus, 3rd Precinct Commander.

Biernat further moved to substitute the name of Jim Michaels, Attorney for the Police Federation, in lieu of the name of Al Berryman, President, Police Federation, and to add the following language to the last paragraph of the report:

“and that appropriate financial management personnel staff the redesign team.” Seconded.

Adopted. Yeas, 13; Nays none.

Minn moved to amend the report to substitute the name of Daryl Lynn, Chair of the Civilian Police Review Authority, in lieu of the name of Pat Hughes, Executive Director of the CPRA.

Niland moved to divide the report so as to consider the vote relating to Pat Hughes, as a member of the redesign team, separately. Seconded.

Adopted by unanimous consent.

The report, as divided and amended, was adopted.

Yeas, 13; Nays none.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee, having under consideration formation of a Civilian Police Review Authority (CPRA) redesign team, now recommends that said redesign team include the name of Daryl Lynn, current Chair of the CPRA, as a substitution for the originally proposed name of Pat Hughes.

Niland moved to postpone the substitution of the name of Daryl Lynn until after the Council has acted on the report relating to the status of the Civilian Police Review Authority Executive Director position. Seconded.

Lost. Yeas, 4; Nays, 9 as follows:

Yeas – Niland, Mead, Thurber, Campbell.

Nays – McDonald, Minn, Scott, Schulstad, Herron, Rainville, Dziedzic, Biernat, Cherryhomes.

The report, as divided, was adopted.

Yeas, 10; Nays, 3 as follows:

Yeas – McDonald, Minn, Scott, Schulstad, Herron, Rainville, Dziedzic, Thurber, Biernat, Cherryhomes.

Nays – Niland, Mead, Campbell.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

VETOED BY THE MAYOR

PS&RS & W&M/Budget – Your Committee, having under consideration the status of the Civilian Police Review Authority (CPRA) Executive Director position, now recommends that:

PS&RS – the Executive Director of the CPRA be authorized to be a City employee, as opposed to an independent contractor; the position be rated as a Grade 12 in the appointed service (having 583 points); the current incumbent be “grandparented” into said position retroactive to February 1, 1993, be exempted from the residency requirement (not in force at that time), and be eligible to receive benefits (including vacation accrual and sick leave balances, immediate health, dental and life insurance fringe benefits — upon appointment as a City employee, and excluding retroactive health, dental and life insurance fringe benefits); said incumbent shall be allowed to buy back into the Public Employees Retirement Association (PERA), retroactive to February 1, 1993, as permitted under PERA rules, with salary to be based upon a February 1, 1993 starting date, all as more fully set forth in Petn No 262846, on file in the Office of the City Clerk and made a part of this report by reference.

W&M/Budget – said position be eliminated and direction of the CPRA be transferred to the City Attorney’s Office, until such time as the City determines the future status of the CPRA.

Schulstad moved to approve the Ways & Means/Budget recommendation and to delete the language, “City Attorney’s,” and insert in lieu thereof, “City Coordinator’s.” Seconded.

Adopted. Yeas, 7; Nays, 6 as follows:

Yeas – McDonald, Minn, Scott, Schulstad, Rainville, Dziedzic, Biernat.

Nays – Niland, Mead, Herron, Thurber, Campbell, Cherryhomes.

Campbell moved a substitute motion to approve the recommendation of the Public Safety & Regulatory Services Committee with the following amendments:

Delete the language, “as a Grade 12 in the appointed service (having 583 points)” and insert in lieu thereof, “at the appropriate grade in the classified service,” and delete the language, “be exempted from the residency requirement (not in force at that time)”.

Lost. Yeas, 6; Nays, 7 as follows:

Yeas – Niland, Mead, Herron, Thurber, Campbell, Cherryhomes.

Nays – McDonald, Minn, Scott, Schulstad, Rainville, Dziedzic, Biernat.

Minn moved a substitute motion to eliminate the entire Civilian Police Review Authority. Seconded.

Niland moved a substitute motion that the report be referred back to the appropriate committee and to the budget redesign.

On Niland’s motion to refer, it lost upon a voice vote.

On Minn’s motion to eliminate the Civilian Police Review Authority, it lost.

Yeas, 2; Nays, 11 as follows:

Yeas – Minn, Schulstad.

Nays – Niland, McDonald, Mead, Scott, Herron, Rainville, Dziedzic, Thurber, Campbell, Biernat, Cherryhomes.

The report, approving the amended Ways & Means/Budget recommendation, was adopted.

Yeas, 7; Nays, 6 as follows:

Yeas – McDonald, Minn, Scott, Schulstad, Rainville, Dziedzic, Biernat.

Nays – Niland, Mead, Herron, Thurber, Campbell, Cherryhomes.

Passed June 27, 1997.

Vetoed June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(See Unfinished Business next meeting.)

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute Automated Pawn System (APS) service and software license agreements with other jurisdictions on an on-going basis and further recommends that appropriate City staff be directed to adjust said agreements to meet APS project goals, as required.

Adopted. Yeas, 12; Nays none.

Absent – Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW – Your Committee recommends passage of the accompanying Resolution adopting the assessments, levying the assessments and

adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 262852.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 97R-168, adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 262852, was passed June 27, 1997 by the City Council and approved July 2, 1997 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 97R-168
By Dziedzic

Adopting the assessments, levying the assessments and adopting the assessment roll for the unpaid charges for the cleanups of the areas around the Solid Waste Collection Points on the list of properties set forth in Petn No 262852.

Whereas, a public hearing was held on June 19, 1997 in accordance with Sections 225.660 and 225.690 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following proposed assessments be waived:

a) 2510 6th St N (PID 15-029-24-22-0126) \$95.28;

b) 3605-07 Park Av (PID 02-028-24-33-0054) \$52.50.

That the following proposed assessments be deleted:

c) 4047 Emerson Av N (PID 04-029-24-13-0029) \$52.50;

d) 3101 Morgan Av N (PID 09-029-24-32-0131) \$52.50.

That the proposed assessments against the affected properties on the list dated May 28, 1997 set forth in Petn No 262852 in the total amount of \$9,673.66 and as shown on the proposed assessment roll on file in the Office of the City Clerk be and hereby is revised to \$9,420.88 and are adopted and levied as revised herein.

Be It Further Resolved that the revised assessments in the amount of \$9,420.88 be collected in one (1) installment on the 1998 real estate tax statements with interest charged at the same rate as assessment bonds are sold for in 1997.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is revised to \$9,420.88 and adopted as revised herein and that the City Clerk is hereby directed to transmit a certified copy of said revised assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 12; Nays none.

Absent - McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution sponsoring the Bryn Mawr Neighborhood Association's application to the Minnesota Department of Transportation for a Community Roadside Landscape Partnership Program Grant.

RESOLUTION 97R-169
By Dziedzic

Sponsoring the Bryn Mawr Neighborhood Association's application to the Minnesota Department of Transportation (MnDOT) for a Community Roadside Landscape Partnership Program Grant for the Bryn Mawr Planting Icon.

Whereas, the Bryn Mawr Neighborhood Association has requested the City of Minneapolis' partnership on a landscape/gateway enhancement in the Bryn Mawr Neighborhood; and

Whereas, the Bryn Mawr Neighborhood, with the participation of MnDOT, is proposing to install

a plant-based gateway on the western intersection of Penn Av and I-394 that would spell out the words "BRYN MAWR" in a deciduous plant material; and

Whereas, the Bryn Mawr Neighborhood has committed to provide the necessary maintenance on this addition to the community;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis will act as the sponsoring unit for the project identified as Bryn Mawr Planting Icon on State Trunk Highway I-394 to be conducted during the period August 1997 through August 1998 through MnDOT's Community Roadside Landscaping Partnership Program.

Be It Further Resolved that Christopher Bacon is hereby authorized to apply to the Minnesota Department of Transportation for funding of this project, on behalf of the City of Minneapolis.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the proper City Officers be authorized to renew Interceptor Maintenance Agreement No 125 with the Metropolitan Waste Control Commission to provide for reimbursement to the City for costs incurred in the operation and maintenance of facilities acquired by the Commission during calendar year 1997, in the approximate amount of \$15,000.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration construction of the Johnson Street Northeast and I-35W Ramps Paving Project (S.A.P. 141-183-11) for the Northeast Retail Complex (The Quarry), and having encountered contaminated soil during excavation of the west entrance into the proposed complex, now recommends that the proper City Officers be authorized to enter the Minnesota Pollution Control Agency's Voluntary Investigation and Cleanup

Program in order to complete construction of the entrance into the Quarry.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration an investigation by the Minnesota Pollution Control Agency (MPCA) into the possible release of hazardous substances or pollutants in the vicinity of Bridal Veil Park in the 600 block of Kasota Avenue, currently owned by the City of Minneapolis, now recommends that the proper City Officers be authorized to negotiate and execute an access agreement with the MPCA to allow access to said property to install groundwater monitoring wells in order to verify the presence and magnitude of groundwater contamination.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the proper City Officers be authorized to submit applications to the Minnesota Department of Transportation seeking Intermodal Surface Transportation Efficiency Act (ISTEA) funding for the following projects, and that the City commit to provide the necessary local dollar match from the proposed source subject to project selection for grant award:

a. St Anthony Pkwy Bridge over Burlington Northern Santa Fe Railroad (BNSF RR) (State Bridge #90662);

b. Royalston Av Bridge over BNSF RR (State Bridge #99097);

c. First St S Bridge over Chicago Northwestern Railroad (CNW RR) (State Bridge #L8900);

d. Cedar Lake Pkwy Bridge over BNSF RR (State Bridge #90470);

e. Camden Av Bridge over I-94 and the Mississippi River (State Bridge #27549);

f. Chicago Av S Bridge over Hennepin County Regional Railroad Authority (State Bridge #92349).

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration signal and grade crossing improvements in the vicinity of Marshall Street NE and 17th Avenue NE, now recommends the following:

a. that the proper City Officers be authorized to enter into an Improvement Agreement with the Minnesota Department of Transportation (MnDOT) and the Burlington Northern Santa Fe Railroad (BNSF RR) to improve the street crossings in the area of Marshall, California and Grand Sts NE at 17th Av NE;

b. that under the terms of the agreement, BNSF will perform work estimated at approximately \$221,273.00, for which the City will pay nothing;

c. that under the terms of the agreement, City forces will perform work estimated in the amount of \$102,980.41, for which MnDOT will reimburse the City \$79,184.33;

d. that funding for the project is provided in the appropriation for the PW – Streets & Malls – Capital Agency (410-937);

e. that California St be closed to traffic from the center line of 17th Av NE to a point 136 ft N;

f. that 17th Av NE be closed to traffic from the E line of Grand St NE to the W line of California St NE, except that portion which may be used for public alley purposes.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the proper City Officers be authorized to renew Lease Agreement No 8219 with Twin City Tile and Marble Company, located at 2218 University Av SE, allowing Beacon St SE betw Ontario St SE & University Av SE to be used as a private parking lot in exchange for a lump sum payment of \$1,680.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage of the accompanying Resolution directing the City Engineer to proceed with a variance request from State-Aid rules for the construction on TH 62 from TH 121 to Morgan Av S.

RESOLUTION 97R-170

By Dziedzic

Directing the City Engineer to proceed with a variance request from State Aid Rules to the Commissioner of Transportation for the construction on Trunk Highway 62 from Trunk Highway 121 to Morgan Av S.

Whereas, the City of Minneapolis and the Minnesota Department of Transportation have entered into a Cooperative Construction Agreement for the construction on Trunk Highway 62 from Trunk Highway 121 to Morgan Av S; and

Whereas, Minnesota Department of Transportation State Aid Rules require Municipal State Aid plan approval before the construction contract is awarded; and

Whereas, Municipal State Aid plan approval was not received prior to construction contract award; and

Whereas, State Aid Rules provide that a political subdivision may request a variance from the Rules;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer be directed to submit to the Commissioner of Transportation a formal request for a variance from the Minnesota Department of Transportation, State Aid Rule to permit a municipality to use a portion of its State-Aid funds for a Trunk Highway project with plans approved after the contract has been awarded.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes,
President of Council.

Approved July 2, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration the improvement of Bluff Street, now recommends that staff be directed to pursue

conceptual drawings and report back to Committee with a layout and cost estimate for constructing Bluff Street. Further, the project will not be submitted to the Capital Long Range Improvements Committee until staff reports back to Committee with said plans.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Minnesota Department of Transportation (MnDOT) for the period July 1, 1997 through June 30, 1999 whereby the City will provide routine maintenance (snow and ice control, routine roadway and bridge maintenance, traffic control and sign maintenance and maintenance of any adjacent sidewalks and boulevards) on the Trunk Highway System in the City of Minneapolis. Said agreement also provides for maintenance along the Trunk Highway 55 Corridor betw Lake St and E 54th St. MnDOT shall compensate the City \$454,100.45 per fiscal year or \$908,200.90 for said two-year period.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget – Your Committee, having under consideration a proposal to install a sanitary sewer in 25th St E betw 1st and Stevens Avs S, Special Improvement of Existing Street No 2959, now recommends that the accompanying Resolution ordering the work to proceed, revising the project cost estimate and adopting the special assessments be forwarded without recommendation.

Niland moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

T&PW & W&M/Budget – Your Committee recommends passage of the accompanying Resolution ordering the work to proceed, revising

the project cost estimate and adopting the special assessments for the installation of a sanitary sewer in 25th St E betw 1st and Stevens Avs S (from the existing sanitary sewer in 1st Av S to approx 175 ft Ely of the Ely line of said 1st Av S), Special Improvement of Existing Street No 2959.

Your Committee further recommends passage of the accompanying Resolution increasing the PW – Sewer Construction – Capital Agency by \$33,599 to provide funds for the assessed portion of the project.

The report, as substituted, was adopted.

Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 1, 1997).

RESOLUTION 97R-171
By Dziedzic and Campbell

SPECIAL IMPROVEMENT OF
EXISTING STREET NO 2959

Ordering the work to proceed, revising the project cost estimate and adopting the special assessments for the installation of a sanitary sewer in 25th St E betw 1st and Stevens Avs S.

Whereas, a public hearing was held on June 19, 1997 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 97R-118 passed May 9, 1997, to consider the proposed special assessments as on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work for the installation of a sanitary sewer in 25th St E from the existing sanitary sewer in 1st Av S to approx 175 ft Ely of the Ely line of said 1st Av S.

Be It Further Resolved that the project cost estimate of \$76,000 as recited in a Transportation & Public Works and Ways & Means/Budget Committee Report passed by the City Council on May 9, 1997 be and hereby is revised to \$75,604.

Be It Further Resolved that the proposed special assessment for sanitary sewer against the property at 115 25th St E be reduced by \$1,481 from \$1,768 to \$287.

Be It Further Resolved that the proposed special assessments in the amount of \$15,912 for sanitary sewer as on file in the Office of the City Clerk be and hereby are reduced to \$14,431 and adopted and assessed against the benefited properties as reduced herein.

Be It Further Resolved that the proposed special assessments in the amount of \$19,168 for the installation of sanitary sewer laterals from the new public sanitary sewer in 25th St E to behind the roadway of 25th St E for the properties at 100, 102, 104, 105, 106, 108, 109 and 111 25th St E (\$2,396 per property) as on file in the Office of the City Clerk be and hereby are adopted and assessed against said benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments in the lump sum total amount of \$33,599 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for in 1997 with collection of the special assessments to begin on the 1998 real estate tax statements.

Be It Further Resolved that the remaining cost for the sanitary sewer estimated at \$42,005 be paid for by the City from Net Debt Bonds allocated for Storm Drains in the 1997 Residential Paving Program (410-932-9322).

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 1, 1997).

RESOLUTION 97R-172
By Dziedzic and Campbell

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW – Sewer Construction – Capital Agency in the Permanent Improvement Projects Fund (410-932-9322) by \$33,599 and

increasing the revenue source (410-932-9322 – Source 3650) by \$33,599 for the special assessments for the installation of a sanitary sewer in 25th St E from the existing sanitary sewer in 1st Av S to approx 175 ft Ely of the Ely line of said 1st Av S.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 1, 1997).

T&PW & W&M/Budget – Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 262854):

a) OP #4640, low bid submitted by Minnesota Petroleum Service, in the amount of \$299,113.82, for removal and disposal of existing underground fuel storage tanks and to furnish and install new fuel stations for the Public Works Equipment Services Division at 1809 Washington St NE; 6036 Harriet Av S; and 1911 E 26th St;

b) OP #4636, low bid submitted by RETUSA, Inc., in the amount of \$174,746, for furnishing and delivering all labor, materials, tools, equipment and incidentals necessary for cleaning and lining of water mains for the Public Works Water Department;

c) OP #4643, only bid submitted by National Mineral Corporation, for an estimated expenditure of \$29,700, for furnishing and delivering fly ash to the Public Works Paving Plant, 1925 E 26th St, through December 31, 1997.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee recommends acceptance of low bids meeting specifications received on OP #4644 (Petn No 262854) submitted as follows for furnishing,

delivering and installing HVAC Equipment for the Public Service Center, all in accordance with City specifications:

- a. Albers Sheetmetal and Ventilating, in the amount of \$188,100, to furnish and install HVAC Equipment; and
- b. EDS, Inc. a/k/a Energy Development Services, Inc., in the amount of \$36,495, to install DDC Control Equipment as required for the Fifth Floor.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said projects, all in accordance with City specifications.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 1, 1997).

T&PW & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to execute Agreement No PW 30-20-97 with Hennepin County, in the amount of \$14,300.25, whereby the City will provide extraordinary maintenance on the County State Aid Highway System in the City of Minneapolis. Said agreement provides for the seal coating of 19,067 square yards of street surface on CSAH 153, (Lowry) – Filmore St to Stinson Blvd within the City of Minneapolis.

Your Committee further recommends passage of the accompanying Resolution increasing the PW – Streets & Malls Agency by \$14,300.25, to be reimbursed by Hennepin County.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-173
By Dziedzic and Campbell

Amending the 1997 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW – Streets & Malls Agency in General Fund (010-607-6160) by \$14,300.25 for seal coating CSAH 153 (Lowry) – Filmore St to Stinson Blvd, to be reimbursed by Extraordinary Maintenance Agreement No PW 30-20-97 with Hennepin County.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Dziedzic moved that the Council resolve itself into a Committee of the Whole to consider the subject matter of the Ritz Parking Lot. Seconded.

Adopted by unanimous consent.

The Committee of the Whole convened at 12:12 p.m.

Vice President Biernat assumed the Chair.

Scott moved that the Committee of the Whole rise and report its findings to the Council. Seconded.

Adopted upon a voice vote.

The Council reconvened at 12:30 p.m.

President Cheryhomes resumed the Chair.

Present – Niland, Minn, Mead, Scott, Herron, Rainville, Dziedzic, Campbell, Biernat, Cherryhomes.

Absent – McDonald, Schulstad, Thurber.

T&PW & W&M/Budget – Your Committee, having under consideration the proposed new West Metro Education Project/University of St Thomas (WMEP/UST) Municipal Parking Ramp, and the lease of the Ritz Block Municipal Parking Lot with Opus Corporation that has been assigned to OLAF Limited Partnership, now recommends the following:

- a. that the proper City Officers be authorized to amend the agreement between the City of Minneapolis and OLAF Limited Partnership by extending the term from December 31, 1998 to December 31, 2001, and to provide lease payments as specified in Exhibit “B” set forth in Petn No 262853 on file in the Office of the City Clerk;
- b. that the proper City Officers be authorized to execute an agreement with the University of St Thomas to provide a \$60,000 annual payment to the City for a period of five years, commencing in 1997, to be applied to the air rights lease payment of WMEP/UST; and
- c. authorize an annual transfer, in the amount of \$400,000, from the Ritz Lot to the WMEP/UST Municipal Ramp for a period of five years, commencing in 1997.

Dziedzic moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

T&PW – Your Committee, having under consideration the proposed new West Metro Education Project/University of St Thomas (WMEP/UST) Municipal Parking Ramp, and the lease of the Ritz Block Municipal Parking Lot with Opus Corporation that has been assigned to OLAF Limited Partnership, now recommends the following:

- a. that the proper City Officers be authorized to amend the agreement between the City of Minneapolis and OLAF Limited Partnership by extending the term from December 31, 1998 to December 31, 2001, and to provide lease payments in accordance with Exhibit “A” as set forth in Petn No 262853 on file in the Office of the City Clerk;
- b. that the proper City Officers be authorized to execute an agreement with the University of St Thomas to provide for the payment of \$60,000 per year to the City to be transferred annually to the WMEP/UST Parking Ramp; and
- c. approve an annual transfer, in the amount of \$400,000, from the Ritz Lot to the WMEP/UST Municipal Ramp for a period of five years, commencing in 1997.

The report, as substituted, was adopted.

Yeas, 7; Nays none.

Declining to Vote – Niland, Minn, Scott, Thurber, Campbell.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget – Your Committee, having received the recommendation of the Mayor and the Executive Committee for the reappointment of Christine Siewert to the Minneapolis Civil Service Commission and having held a public hearing thereon, now recommends approval of said reappointment for a term to expire on February 28, 2000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the Department of Labor Relations be authorized to utilize Interest Based Collective Bargaining in upcoming labor contract negotiations with the American Federation of State, County and Municipal Employees (AFSCME), Local 9, based on the process outlined in Petn No 262861.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Niland, Mead, Scott, Schulstad, Herron, Rainville, Thurber, Campbell, Biernat, Cherryhomes.

Nays – Minn.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute an agreement with Mid-City Industrial Plaza for lease of 5610 square feet of space located at 771 Harding Street NE, Suite 100, to be used for storage of the City's voting equipment. The yearly cost of the space is \$38,596.80, including common area maintenance and utilities. The term of the lease shall be for three years, from July 1, 1997 through June 30, 2000, with two additional one-year lease options.

Your Committee further recommends that the request of the Office of Elections and Voter Registration for appropriation of funds for lease costs through the end of 1997 be deferred for consideration as part of the Mid-Year Budget Review.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the Minnesota Family Investment Program (MFIP) Service Delivery Plan governing operation of the City's MFIP Pilot Program be submitted to the Mayor for her signature and submission to the State of Minnesota.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to receive funding in the amount of \$818,115 from Hennepin County to be used to provide case intervention services for families receiving public assistance under the Minnesota Family Investment Program (MFIP).

Your Committee further recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FAN) to organizations that will provide MFIP case intervention services:

Funds	Agency	Master Contr #	Period	Amount	FAN#
060-860-8600	HIRED	10009	7/1/97 – 6/30/98	\$173,177	43-1
060-860-8600	Resource, Inc.	10013	7/1/97 – 6/30/98	\$170,025	43-1
060-860-8600	E Side				
	Neigh Serv	10002	7/1/97 – 6/30/98	\$168,512	43-1
060-860-9600	Catholic				
	Charities	10016	7/1/97 – 6/30/98	\$159,410	43-1

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.
 Passed June 27, 1997.
 Approved July 2, 1997. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue the following Fund Availability Notice (FAN) to Special School District #1 to provide for the cost of coordination and support services for the School-To-Work summer internship program:

Funds	Agency	Master Contr #	Period	Amount	FAN#
040-860-8600	Spec School				
	Dist #1	10019	6/1/97–9/30/97	\$19,924	32-1

Adopted. Yeas, 11; Nays none.
 Absent – McDonald, Dziedzic.
 Passed June 27, 1997.
 Approved July 2, 1997. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue the following Fund Availability Notice (FAN) to the Elaine M. Stately Peacemaker Center (AIM Patrol), to provide Phillips Neighborhood Revitalization Program (NRP) funding for anti-crime activities:

Funds	Agency	Master Contr #	Time of Performance Extended to	Amount	FAN#
060-860-8605	Elaine M. Stately	11012	7/31/98	\$45,439	08-2
	Peacemaker Ctr				

Adopted. Yeas, 11; Nays none.
 Absent – McDonald, Dziedzic.
 Passed June 27, 1997.
 Approved July 2, 1997. S. Sayles Belton, Mayor.
 Attest: M. Keefe, City Clerk.
 (Republished October 18, 1997.)

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue the Fund Availability Notices (FAN) to the following organizations which will provide services as part of the 1997-1998 Adult Employment and Training Program, all for the period of July 1, 1997 through June 30, 1998:

Funds	Agency	Master Contr #	Amount	FAN#
030-860-8600	Mpls Urban League	10001	\$81,900	33-1
040-860-8600	Mpls Urban League	10001	\$78,300	32-3
060-860-8600	Mpls Urban League	10001	\$11,550	49-1
030-860-8600	Summit Academy Opportunities			
	Industrialization Ctr	10004	\$50,715	33-1
040-860-8600	Summit Academy Opportunities			
	Industrialization Ctr	10004	\$59,200	32-1
030-860-8600	Hmong American Mutual			
	Assistance Prog	10018	\$42,000	33-1
040-860-8600	Hmong American Mutual			
	Assistance Prog	10018	\$48,000	32-1
060-860-8600	Hmong American Mutual			
	Assistance Prog	10018	\$ 7,350	49-1

030-860-8600	HIRED	10009	\$39,900	33-1
040-860-8600	HIRED	10009	\$32,800	32-2
060-860-8600	HIRED	10009	\$15,750	49-1
030-860-8600	E Side Neigh Servs	10002	\$21,000	33-1
040-860-8600	E Side Neigh Servs	10002	\$11,900	32-2
060-860-8600	E Side Neigh Servs	10002	\$16,800	49-1
030-860-8600	Phillips Comm Dev Corp	10003	\$25,200	33-1
040-860-8600	Phillips Comm Dev Corp	10003	\$27,900	32-1
060-860-8600	Phillips Comm Dev Corp	10003	\$13,650	49-1
030-860-8600	Loring Nicollet Bethlehem Ctr	10008	\$20,475	33-1
040-860-8600	Loring Nicollet Bethlehem Ctr	10008	\$21,600	32-3
060-860-8600	Loring Nicollet Bethlehem Ctr	10008	\$11,550	49-1
030-860-8600	Anishinabe Council of Job Dev	10010	\$ 9,765	32-1
040-860-8600	Anishinabe Council of Job Dev	10010	\$16,000	33-1
030-860-8600	Pillsbury Neigh Serv, Inc.	10007	\$63,000	33-1
040-860-8600	Pillsbury Neigh Serv, Inc.	10007	\$49,700	32-2
060-860-8600	Pillsbury Neigh Serv, Inc.	10007	\$15,750	49-1
030-860-8600	MN Dept of Economic Security	10014	\$ 4,000	33-1

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to receive federal dislocated worker funds (EDWAAA) in the amount of \$381,547 and State dislocated worker funds (Minnesota Dislocated Worker) in the amount of \$638,319, and be authorized to issue the following Fund Availability Notices (FAN) to service providers for program year 1997:

Funds	Agency	Master Contr #	Period	Amount	FAN#
030-860-8600	MN Dept of Econ Sec	10014	7/1/97-6/30/98	\$157,528	40-1
060-860-8600	MN Dept of Econ Sec	10014	7/1/97-6/30/98	\$263,671	41-1
030-860-8600	HIRED	10009	7/1/97-6/30/98	\$ 20,994	40-1
060-860-8600	HIRED	10009	7/1/97-6/30/98	\$ 35,056	41-1
030-860-8600	HIRED	10009	7/1/97-6/30/98	\$ 19,699	40-2
060-860-8600	HIRED	10009	7/1/97-6/30/98	\$ 32,971	41-2
030-860-8600	GMDCA	10017	7/1/97-6/30/98	\$ 14,212	40-1
060-860-8600	GMDCA	10017	7/1/97-6/30/98	\$ 23,788	41-1
060-860-8600	Mpls Urban League	10001	7/1/97-6/30/98	\$ 4,000	41-1
060-860-8600	E Side Neigh Servs	10002	7/1/97-6/30/98	\$ 4,000	41-1
060-860-8600	Phillips Comm Dev Corp	10003	7/1/97-6/30/98	\$ 4,000	41-1
060-860-8600	Pillsbury Neigh Servs	10007	7/1/97-6/30/98	\$ 4,000	41-1
060-860-8600	Loring Nic Bethlehem Comm Ctrs	10008	7/1/97-6/30/98	\$ 4,000	41-1
060-860-8600	HIRED	10009	7/1/97-6/30/98	\$ 8,000	41-3
060-860-8600	Anishinabe Council of Job Dev	10010	7/1/97-6/30/98	\$ 4,000	41-1

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to receive funds in the amount of \$2,005,272 from Hennepin County to support the STRIDE Program, and be authorized to issue the following Fund Availability Notices (FAN) or enter the following contracts with organizations that will be providing STRIDE Program case management services, all for the period of July 1, 1997 through December 31, 1997:

Fund Availability Notices

Funds	Agency	Master Contr #	Amount	FAN#
060-860-8600	Mpls Urban League	10001	\$126,291	42-1
060-860-8600	HIRED	10009	\$304,081	42-1
060-860-8600	Summit Academy OIC	10004	\$ 50,316	42-1
060-860-8600	Loring Nic Bethlehem Ctr	10008	\$ 82,016	42-1
060-860-8600	Resource, Inc. (New Chance)	10013	\$ 96,542	42-2
060-860-8600	Resource, Inc. (WINGS)	10013	\$426,400	42-1
060-860-8600	E Side Neigh Serv	10002	\$ 61,646	42-1
060-860-8600	Pillsbury Neigh Serv	10007	\$ 85,558	42-1
060-860-8600	Catholic Charities	10016	\$ 69,175	42-1
060-860-8600	Parents In Comm Action (PICA)	10020	\$ 43,220	42-1
060-860-8600	HIRED (Refugee STRIDE)	10009	\$ 27,090	48-1

Contracts

Funds	Agency	Amount
060-860-8600	Mpls Pub Hsg Auth (Proj Self Sufficiency)	\$64,572
060-860-8600	Lutheran Social Serv (Refugee STRIDE)	\$35,169

Campbell moved to amend the report by changing the fund availability notice amount for the Minneapolis Urban League to \$127,791, for Summit Academy OIC to \$50,131 and for East Side Neighborhood Services to \$68,622. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute Modification #1 to Grant Agreement #7106417 (MYP) with the Minnesota Department of Economic Security to reflect an increase in funding of \$656,293.45 for the Summer Youth Employment and School-to-Career Programs.

Your Committee further recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FAN) to School-To-Career Program providers, all for the period of July 1, 1997 through June 30, 1998:

Funds	Agency	Master Contr #	Amount	FAN#
040-860-8600	HIRED	10009	\$23,215	32-1
060-860-8600	HIRED	10009	\$10,000	92-1
030-860-8600	HIRED	10009	\$62,785	35-1
040-860-8600	Resource, Inc.	10013	\$30,000	32-2
060-860-8600	Resource, Inc.	10013	\$35,000	92-1
040-860-8600	American Indian OIC	10021	\$25,000	32-2
060-860-8600	American Indian OIC	10021	\$25,000	92-1
040-860-8600	Loring Nic Bethlehem Ctrs	10008	\$22,000	32-2
060-860-8600	Loring Nic Bethlehem Ctrs	10008	\$22,000	92-2
040-860-8600	Mpls Urban League	10001	\$50,825	32-2
060-860-8600	Mpls Urban League	10001	\$56,000	92-1
040-860-8600	Pillsbury Neigh Serv	10007	\$23,749	32-1
060-860-8600	Pillsbury Neigh Serv	10007	\$31,237	92-1

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FAN) providing State and Community Development Block Grant (CDBG) funds for older worker services for the period of July 1, 1997 through June 30, 1998:

Funds	Agency	Master Contr #	Amount	FAN#
030-860-8600	Resource, Inc.	10013	\$20,000	36-1
040-860-8600	Resource, Inc.	10013	\$ 9,500	32-3
030-860-8600	E Side Neigh Serv	10002	\$20,000	36-1
040-860-8600	E Side Neigh Serv	10002	\$ 9,500	32-1

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration an implementation plan for consolidation of the City’s risk management program based on recommendations presented in the November 12, 1996 report by Advanced Risk Management Techniques, Inc. (ARMTECH), now recommends:

- 1) Approval of the City Risk Management Mission Statement and Roles and Responsibilities documents (as contained in Petn No 262859);
- 2) Authorization to fill three new positions: Director of Risk Management, one Workers’ Compensation Claims Coordinator and one Administrative Analyst I (Loss Prevention Unit);
- 3) Authorization to consolidate the City’s Workers’ Compensation Unit into the Finance Department’s Risk Management Department, to be effective when the Director of Risk Management position is filled;
- 4) Approval of the following changes regarding the City’s claims process, to be effective January 1, 1998:
 - a. Increase the settlement authority of the Claims Investigators from \$1,000 to \$5,000;
 - b. Establishment of a staff claims committee comprised of representatives from the Risk Management, City Attorney, Police, Fire and Public Works Departments, with one additional representative from other City departments serving on a rotating basis;

c. Authorization for the staff claims committee to settle claims up to \$25,000, with claims above \$25,000 to be considered by the City Council; Citizens shall continue to have the right to appeal their claims before a City Council Claims Committee.

5) Direct staff to return to the City Council by September, 1998 (after a Director of Risk Management has been hired) with a more defined implementation plan for loss prevention, tort liability/property damage, workers' compensation and risk policy analysis.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration a request from the Minneapolis Park and Recreation Board for environmental indemnification for Minnegasco regarding property needed to complete the West River Road Parkway, now recommends that the proper City officers be authorized to negotiate and enter into environmental indemnity agreements for the parcels known as West River Road Mounds Site, Coal Flats Site, the Minneapolis Community Development Agency (MCDA) parcel and the Triangle parcel, according to the terms set forth by the City Attorney in Petn No 262857.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends approval of amendments to the “Minneapolis Commission on Civil Rights Rules of Procedure for Contested Case Hearings” providing for inclusion of the mediation process (Petn No 262857).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be

authorized to issue a Request for Proposals (RFP) seeking liability and property insurance for the City ramp portion of the School Block Project (City parking ramp, University of St. Thomas School of Education and Metro West Magnet School).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to proceed with the following contract amendments allowing additional time for use of Community Development Block Grant (CDBG) funds:

a) Amend Contract #10529 with the Minneapolis Library Board by extending the time of performance to May 31, 1998 to allow for completion of ADA improvements at Minneapolis library facilities;

b) Amend Contract #8454 with ARC of Hennepin County by extending the time of performance to December 31, 1997 to allow funds to be fully utilized as part of the newly created “Home Choice” housing assistance program.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends acceptance of the only bid received on OP #4641 (Petn No 262865) submitted by Krueger International for an estimated expenditure of \$57,070 for furnishing and delivering stacking chairs to the Minneapolis Convention Center, all in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having received a request from the Minneapolis Police Department (Community Crime Prevention/SAFE Unit) to place a message in upcoming utility bills

promoting National Night Out activities, now recommends approval to place the National Night Out message on utility bills mailed during the month of July 1997.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to extend the City’s contract with Prisym Group, Inc. to continue the provision of specialized human resources services to the Information and Technology Services (ITS) Department. Said contract shall be increased from \$25,000 to \$40,000, payable from the ITS Budget.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to extend the City’s contract with Computer Sciences Corporation (CSC) to continue their assistance to the Information and Technology Services (ITS) Department in development of the Project Evaluation and Prioritization Program (PEPP), the process used to assist the City in evaluating technology investments. Said contract shall be increased from \$20,000 to \$37,000, payable from the ITS Budget.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the lawsuits filed against City by the following individuals be settled as follows:

690-150 Lois and Michael Sudue and Mark C. Hart, their attorney, \$13,500; Danielle K. O’Neill and Malcolm D. MacGregor, her attorney, \$4,500.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the lawsuit entitled *Shoua Vang vs. City of Minneapolis, et al.* and a proposed settlement in the amount of \$6,000, now recommends that said settlement be rejected.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration a request from the Community Health and Education Corporation for assistance in the acquisition and improvement of the property at 2526 27th Avenue South (Petn No 262866), now recommends passage of the accompanying resolution authorizing preliminary actions regarding the provision of said assistance.

Thurber moved to amend the resolution by deleting the figure \$850,000 and inserting in lieu thereof the figure \$680,000. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays, 1 as follows:

Yeas – Niland, Minn, Mead, Scott, Schulstad, Herron, Dziedzic, Thurber, Campbell, Biernat, Cherryhomes.

Nays – Rainville.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-174 By Campbell and Thurber

Resolution authorizing preliminary actions regarding financing for a project of the Community Health and Education Corporation.

Whereas, the Community Health and Education Corporation has requested City participation in a loan or lease financing on an annual appropriation basis in an amount up to \$680,000 for the property at 2526 27th Avenue

South, which property would be leased to a 501(c)3 organization operating a public program;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to develop appropriate documentation regarding said financing proposal for future consideration by the City Council and that the Chair of the Ways & Means/Budget Committee of the City Council be authorized to schedule the time and place of any public hearing required by Minnesota law or federal tax law.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Niland, Minn, Mead, Scott, Schulstad, Herron, Dziedzic, Thurber, Campbell, Biernat, Cherryhomes.

Nays – Rainville.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P – Your Committee, having under consideration the appeal filed by Frank Zaragoza from the following decisions of the Planning Commission relating to applications of BRW Elness, for Dinnaken Properties Apartment Buildings at 327 Ontario St SE, now recommends that said appeal be granted, in accordance with the Findings of Fact on file in the office of the City Clerk and made a part of this report by reference:

1) Approving variation of the corner side yard on Delaware St SE from 8' to 0' and variation of the north side yard from 5' to 4' to allow a private parking lot, subject to final site, fencing and landscaping plans being approved by the Planning Department (V-4134) and conditional use permit approval; and

2) Approving the application for conditional use permit (C-1811) to allow an 11 stall accessory private parking lot, subject to conditions: a) final fencing, landscaping and site plans being approved by the Planning Department; b) that the applicant obtain an encroachment permit for landscaping outside the south property line; c) that the lot be maintained in a clean and neat condition; d) variance approval (V-4134); e) that no repair or servicing of automobiles shall occur on the lot; f) that there be no inoperable vehicles parked on

the lot; g) that the applicant remove litter within 100' of the site; h) that the lot shall serve people within 350' of the lot on a monthly basis or longer and shall not be used as a commercial parking lot.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas – Minn, Mead, Schulstad, Herron, Rainville, Dziedzic, Thurber, Campbell, Bierant, Cherryhomes.

Nays – Scott.

Declining to vote – Niland.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the appeal filed by Carla Nielson, President of Standish-Ericsson Neighborhood Association, from the decision of the City Planning Commission approving the application of American Portable Telecom (C-1826) for a conditional use permit to permit a 112.5' tall communication tower/light pole at the Roosevelt High School athletic field, 4029 – 28th Av S, subject to conditions: a) that the pole be painted to match other light poles designed to illuminate the stadium; b) that the final site plan be approved by the Planning Department; and c) that the design of the base of the tower be approved by the Planning Department, now recommends that said appeal be denied.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the appeal filed by Bill Carlson, for Carlson Manor, from the decision of the Planning Commission denying his application for change in nonconforming use to permit the banquet facility use at 2115 Pillsbury Av S to continue and to use the building as a culinary arts institute, now recommends that said appeal be denied.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the application of Jerry Larsen/J.J. Investments, for The Firm, for a waiver from Interim Ordinance 96-Or-076, providing for a moratorium on the establishment or expansion of residential, commercial and industrial uses in the East Hennepin Study Area (passed 8/9/96), to allow application for appropriate permits to begin a 1,350 square foot aerobic workout studio at 318 E Hennepin Av, now recommends that said waiver be granted.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the appeal filed by Mary Hinz-Quillin (V-4150) from the decision of the Board of Adjustment approving the application of Paul Lauer for variation of driveway width from 10' to 9.22' to permit a new driveway along the east side of the dwelling at 3116 E 51st St subject to approval by the City Engineer of a plan that addresses drainage from the driveway so it does not negatively impact the property at 3120 E 51st St, now recommends that said appeal be denied.

Schulstad moved to amend the report to add the following conditions:

1) Prior to issuance of a building permit to the owner of 3116 E 51st St (Paul Lauer), the Public Works Department will approve a plan that addresses the drainage from the driveway so it does not negatively impact the property (including any fence built) at 3120 E 51st St.; and

2) The variance applicant, Paul Lauer, has agreed that snow on his driveway will be disposed of on his property and not onto the property at 3120 E 51st St. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends passage of the accompanying resolution accepting the Central/Phillips/Powderhorn Park Small Area Plan and directing the Planning Department and

Minneapolis Community Development Agency to support the neighborhood implementation activities.

RESOLUTION 97R-175

**By Dziedzic, Campbell,
Biernat, Rainville,
Cherryhomes, Niland, Scott,
Herron, Thurber, McDonald,
Mead, Schulstad, Minn**

Accepting the Central/Phillips/Powderhorn Park Small Area Plan and directing the Minneapolis Planning Department and the Minneapolis Community Development Agency to support the neighborhood implementation activities.

Whereas, the City Council has committed significant funds and resources to revitalize the neighborhoods of Phillips, Central and Powderhorn Park; and

Whereas, Phillips, Central and Powderhorn Park neighborhoods each have a long history of planning and developing neighborhood programs and projects to address their particular social and physical needs; and

Whereas, all three neighborhoods have received approval of their Neighborhood Revitalization Plans and are currently working on implementation strategies; and

Whereas, institutions, businesses and community organizations located in these three neighborhoods have a common interest in revitalization and have in fact been working together on specific initiatives; and

Whereas, the working relationships developed in the Small Area Plan process provide a foundation for successful cooperation throughout the implementation phase; and

Whereas, the Minneapolis Planning Department and the Minneapolis Community Development Agency have a responsibility to assist neighborhoods with implementation and to help create processes for establishing priorities and coordination of diverse resources; and

Whereas, the Small Area Plan identifies a shared vision for specific geographical regions within these neighborhoods, identifies certain partnerships and specific strategies for revitalization, and suggests a role for the Planning Department as facilitator and coordinator;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis accepts the Small Area Plan for the Central/Phillips/Powderhorn Park neighborhoods, as set forth in Petition Number 262871 and directs the Planning Director and the Minneapolis Community Development Agency Executive Director to assign staff to coordinate a program for implementation, which includes, but is not limited to, the implementation measures identified.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends approval of the following reappointments to the Heritage Preservation Commission for three year terms of office, which expire June 1, 1999:

a) Joe Metzler, 3501 Bryant Av S, Minneapolis, MN 55408 (Ward 10); and

b) Lucy Thompson, 3546 Holmes Av S, Minneapolis, MN 55408 (Ward 10).

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the Special Permit granted to Lisa Johnson to operate Patrick's Cabaret, 506 E 24th St, on a temporary basis through 6/30/97 pending approval of licensing and zoning requirements (granted on 4/11/97), and having held further discussion thereon regarding ongoing construction, now recommends that the Special Permit be extended through 10/31/97 (#1997-037).

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the petition of Hennepin County Regional Railroad Authority (#1188) to vacate Clinton Av S between E 29th St and I-35W, as designated on the plat of Duensings Addition to Minneapolis to allow removal of the existing

bridge, now finds that said street is no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted, by passage of the accompanying resolution.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-176

By Scott

Vacating Clinton Avenue South between East 29th Street and I-35W, as designated on the plat of Duensings Addition to Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That all that part of Clinton Avenue South as opened by City Ordinance dated December 30, 1910, and those portions of 29th Street East and Clinton Avenue South as dedicated in the plat of Duensings Addition to Minneapolis, described as beginning at a point on the west line of said Clinton Avenue South distant 335.92 feet southerly from the northeast corner of Lot 3, Block 5, Crim's 2nd Addition to Minneapolis; thence southerly along said west line and its extension to the south line of the north 20 feet of said 29th Street East; thence easterly along said south line to its intersection with the southerly extension of the west line of Block 1, Duensings Addition to Minneapolis; thence northerly along the last described line to a point distant 311.81 feet southerly from the northwest corner of Lot 10, Block 6, in said Crim's 2nd Addition to Minneapolis; thence southwesterly in a straight line to the point of beginning, is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the petition of the Minneapolis Community Development Agency (#1190) to vacate alleys in the block bounded by 2nd St N, Plymouth Av, Washington Av N and 14th Av N to

allow site assembly in the North Washington Industrial Park, now finds that said alleys are no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted, by passage of the accompanying resolution.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-177

By Scott

Vacating the alleys in the block bounded by 2nd Street North, Plymouth Avenue North, Washington Avenue North and 14th Avenue North.

Resolved by The City Council of The City of Minneapolis:

That all that part of the East/West alley lying within Block 14, Bassett, Moore and Case's Addition to the Town of St. Anthony; and all of the North/South alley lying within said block not heretofore vacated.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the petition of the Minneapolis Community Development Agency (#1193) to vacate an alley in the block bounded by 15th & 16th Aves N, Washington Av N and 2nd St N, to allow for site assembly in the North Washington Industrial Park, now finds that said alley is no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted, by passage of the accompanying resolution.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-178

By Scott

Vacating an alley in the block bounded by 16th Avenue North, 15th Avenue North, Washington Avenue North, and 2nd Street North.

Resolved by The City Council of The City of Minneapolis:

That all that part of the North/South alley lying within Block 11, Bassett, Moore and Case's Addition to the Town of St. Anthony is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances, creating a Linden Hills Overlay District, now recommends that the following ordinances be given their second readings for amendment and passage:

Amending Chapter 536 relating to **Zoning Code: Zoning Districts and Maps Generally**; and Adding a new Chapter 558 relating to **Zoning Code: Linden Hills Overlay District**.

Scott moved to amend the report by adding the following paragraph:

"Your Committee further recommends summary publication of the ordinance adding a new Chapter 558 relating to the Linden Hills Overlay District." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 97-Or-057

By Minn and Scott

Intro & 1st Reading: 3/7/97

Ref to: Z&P

2nd Reading: 6/27/97

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by adding a Linden Hills Overlay District (LHOD) as established in Chapter 558 as follows:

A. That part of Plate #29 within the B2S, Neighborhood Service District, within the 43rd Street West and Upton Avenue South commercial area and as shown on the map contained in Petition Number 262871 on file in the office of the City Clerk.

B. That part of Plate #29 within the B1, Office-Residence District and B2S, Neighborhood Service District, within the 44th Street West and Beard Avenue South commercial area and as shown on the map contained in Petition Number 262871 on file in the office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 97-Or-058 amending Title 20 of the Minneapolis Code of Ordinances, adding a new Chapter 558 relating to the Zoning Code entitled “Linden Hills Overlay District (LHOD)”, establishing regulations to preserve and promote the pedestrian character of the Linden Hills commercial districts, establishing parking requirements for certain high impact uses, reducing the impact of commercial uses and off-street parking and loading facilities on adjacent properties, prohibiting certain uses and drive-through facilities, regulating building orientation and building fenestration, restricting the location of on-site accessory parking, establishing a maximum number of accessory parking spaces, restricting window signs and certain other signs, establishing minimum parking requirements for certain uses, and establishing additional site plan review requirements beyond those listed in Chapter 530, was passed June 27, 1997, by the City Council and approved July 2, 1997, by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 97-Or-058

By Minn and Scott

Intro & 1st Reading: 3/7/97

Ref to: Z&P

2nd Reading: 6/27/97

Amending Title 20 of the Minneapolis Code of Ordinances by adding a new Chapter 558 relating to Zoning Code: Linden Hills Overlay District (LHOD).

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 558 to read as follows:

CHAPTER 558. Linden Hills Overlay District (LHOD)

ARTICLE I. GENERAL PROVISIONS

558.10. Purpose. The Linden Hills Overlay District is established to preserve and promote the pedestrian character of the Linden Hills commercial districts, to establish parking requirements for certain high impact uses, to reduce the impact of commercial uses and off-street parking and loading facilities on adjacent properties, to maintain the economic viability of the Linden Hills commercial districts while retaining a core of businesses providing neighborhood services, and to mitigate the impacts of vehicular speeds and congestion in the neighborhood. Small, neighborhood scale commercial uses are encouraged.

558.20. Relationship to other applicable regulations. In addition to the regulations specified in this chapter, all property located within the Linden Hills Overlay District shall be subject to all of the applicable standards, procedures and regulations of this zoning ordinance and the primary zoning district in which the property is located, except as otherwise provided in this ordinance. Where the provisions of the overlay and primary zoning districts are in conflict, the provisions of the overlay district shall govern.

558.30. Established boundaries. The boundaries of the Linden Hills Overlay District (LHOD) shall be the areas known as the following as set forth on the official zoning map:

(1) Forty-third Street West and Upton Avenue South commercial district.

(2) Forty-fourth Street West and Beard Avenue South commercial district.

All land located within the established boundaries of the LHOD shall be subject to the requirements of this chapter. All applicants are encouraged to meet with the designated neighborhood organizations to discuss and review proposed plans for development within the Linden Hills commercial districts.

558.40. Definitions. For the purpose of this chapter, “coffee shop” shall mean an establishment engaged principally in the sale of coffee for consumption on the premises or for carryout, and which also may include the sale of coffee beans and a limited number of food items.

558.50. Prohibited uses. The following uses shall be prohibited in the Linden Hills Overlay District:

- (1) Drive-through facilities.
- (2) Auto wash.
- (3) Automobile combination convenience facility.
- (4) Automobile convenience facility.
- (5) Automobile service station.
- (6) Video stores of more than 2,000 square feet gross floor area.

558.60. Commercial deliveries. All commercial delivery and shipments of products, merchandise or supplies shall conform to existing road and truck use restrictions on residential streets, and are encouraged to be provided by use of straight trucks or smaller vehicles and not semi-tractor trailers.

558.70. Building orientation. In order to reinforce the existing building line and to facilitate pedestrian access and circulation, except where a yard is required by the primary zoning district regulations, at least sixty (60) percent of the front wall of all new principal buildings constructed after June 1, 1997, shall be built not more than ten (10) feet from the front property line and shall be oriented so that the principal entrance to the building faces the public street. In the case of a corner lot, at least sixty (60) percent of both the front wall and corner-side wall of the building shall be built not more than ten (10) feet from the property line abutting each street.

558.80. Building facades. (a) Window area. At least forty (40) percent of the first floor of any nonresidential building that faces a public street, constructed after June 1, 1997, shall be comprised of windows or doors of clear or lightly tinted glass that allow views into and out of the building. This requirement shall not apply to the walls of residential units.

(b) Awnings and canopies. Awnings and canopies shall be placed to emphasize individual storefronts and entrances. Plastic, vinyl or similar material shall be prohibited.

558.90. Location of parking. All on-site accessory parking areas established after June 1, 1997, shall be located to the side or rear of the principal building or use served and such parking area shall be limited to not more than sixty (60) feet of street frontage. The driveway width for the parking shall be no more than twenty (20) feet of street frontage and shall be screened with a decorative fence or a landscaped setback of at least five (5) feet containing evergreen or deciduous shrubs that form a continuous screen three (3) feet in height within two (2) years. Parking areas existing on or before June 1, 1997 shall not be affected by this provision regardless of the amount of street frontage, provided that the street frontage of such parking areas shall not be increased beyond sixty (60) feet.

558.100. Window signs. Window signs shall not exceed thirty (30) percent of the window glass area and shall not block views into or out of the building.

558.110. Prohibited signs. The following signs shall be prohibited in the Linden Hills Overlay District:

- (1) Banjo signs.
- (2) Backlit awnings.
- (3) Backlit insertable panel projecting signs.
- (4) Roof signs.

ARTICLE II. PARKING REQUIREMENTS

558.120. Specific parking requirements. Accessory off-street parking shall be provided as specified in the Linden Hills Overlay District Minimum Off-Street Parking Requirements below:

Use	Minimum Parking Requirement	Specific Parking Standards
Video store not more than 2,000 square feet of gross floor area	1 space per 250 square feet of gross floor area but not less than 4 spaces.	Nonconforming parking rights shall apply. Off-site parking shall be prohibited.
Bank	1 space per 300 square feet of gross floor area but not less than 4 spaces.	Off-site parking shall be permitted within 300 feet of the property line.
Food or Grocery store	1 space per 300 square feet of gross floor area but not less than 4 spaces.	Off-site parking shall be prohibited.
Coffee shop	1 space per 3 seats but not less than 4 spaces.	Off-site parking shall be prohibited.
Restaurants without wine or beer	1 space per 3 seats but not less than 4 spaces	Off-site parking permitted within 300 feet of the main entrance of the premises to the property line of the parking lot.
Restaurants with wine or beer	One hundred-ten (110) percent of the parking required by Chapter 363 of the Minneapolis Code of Ordinances. Parking shall be provided for all customer seating, including outdoor seating.	Off-site parking permitted within 300 feet of the main entrance of the premises to the property line of the parking lot.

558.130. Restaurant seating plan. All restaurants, coffee shops and delicatessens shall provide to the zoning administrator a complete accounting of the number of seats in the establishment, including all indoor and outdoor customer seating, and shall conspicuously post upon the premises the legal seating permitted and approved site plan for outdoor seating, if any.

558.140. Bicycle parking. (a) In general. A minimum of four (4) bicycle parking spaces, in compliance with sections 490.250 to 490.270 of the Minneapolis Traffic Code, may be provided in lieu of one (1) required automobile parking space.

(b) Bicycle parking allowance limits. A maximum of one parking space equivalent may be provided under this section.

(c) Location. Bicycle parking spaces and racks shall be located in a convenient and visible area no farther from the principal entrance to the building served than the closest automobile parking space. With the permission of the city engineer, bicycle parking may be located in the public right-of-way. Bicycle parking may be provided within a building, but the location shall be easily accessible for bicycles.

(d) Covered Spaces. If accessory automobile parking spaces are covered, bicycle parking spaces shall also be covered.

558.150. Valet parking. Up to fifty (50) percent of the off-street parking requirements for restaurants located in buildings existing on the effective date of this ordinance may be fulfilled by maintaining a free valet parking service for customers. The valet service shall be available during all business hours and shall provide service to and from the main entrance. A passenger loading area, as

approved by the city engineer, shall be provided near the main entrance. Availability of this service shall be conspicuously posted inside and outside the establishment near the main entrance. The valet shall be properly licensed to operate motor vehicles. The parking in which the automobiles are parked shall be no further than five hundred (500) feet from the main entrance. Parking areas used exclusively for valet parking need not be striped.

558.160. Maximum number of accessory parking spaces. The number of accessory parking spaces for non-residential uses shall not exceed one hundred fifty (150) percent of the minimum required parking spaces, except where it is determined by the zoning administrator that such excess parking spaces serve to provide required parking for shared use parking arrangements. Parking areas existing on or before June 1, 1997 shall not be affected by this provision provided that the amount of off-street parking shall not be increased if it is already in excess of one hundred fifty (150) percent of the minimum required parking.

ARTICLE III. SITE PLAN REVIEW

558.170. Site plan review required. The following shall be subject to the standards of Chapter 530, Site plan Review, and the site plan review standards of this chapter:

(1) All uses listed in Chapter 530, Site Plan Review.

(2) Any increase in gross floor area to three thousand (3,000) square feet or more through expansion of an existing building or construction of a new building.

(3) Any increase in impervious parking surface area that results in a principal or accessory parking facility of ten (10) or more spaces.

558.180. Linden Hills Overlay District site plan review requirements. All uses subject to site plan review shall comply with the standards of Chapter 530, Site Plan Review, and the following requirements:

(1) Commercial buildings adjacent to residence or office residence districts. Commercial buildings on property adjacent to a residence or office residence district boundary shall comply with the following:

a. Exterior materials and appearance of the rear and side walls of any building shall be the same as the front of the building.

b. A landscaped setback area of at least five (5) feet containing evergreen or deciduous shrubs that form a continuous screen not less than

three (3) feet nor more than six (6) feet in height within two (2) years shall be provided between any building and the residence or office residence district boundary. The city planning commission may consider the substitution of a decorative fence or masonry wall in lieu of planted materials.

(2) Parking lots fronting along public streets. Parking lots fronting along a public street shall comply with the following:

a. A landscaped setback area of at least five (5) feet containing evergreen or deciduous shrubs that form a continuous screen three (3) feet in height within two (2) years shall be provided between the parking lot and public street. The city planning commission may consider the substitution of a decorative fence, masonry wall or similar architectural feature in lieu of planted materials.

b. One canopy tree at least three (3) inches in caliper shall be provided for every fifteen (15) feet of parking lot frontage. Trees shall be planted between the parking lot and the sidewalk, or between the sidewalk and the street.

(3) Parking lots adjacent to residence or office residence districts. Parking lots adjacent to a residence or office residence district boundary shall provide a six (6) foot decorative solid fence or a landscaped setback area of at least five (5) feet containing evergreen or deciduous shrubs that form a continuous screen not less than three (3) feet nor more than six (6) feet in height within two (2) years between the parking lot and the residence or office residence district boundary.

(4) Maneuvering and loading. Any expansion of an existing building or construction of a new building resulting in a gross floor area of five thousand (5,000) square feet or more shall be subject to the following additional standards:

a. Vehicle maneuvering. In order to encourage pedestrian activity and to enhance public safety to the extent practical, all vehicle maneuvers associated with parking and loading shall occur in the off-street parking or loading area or structure. Public streets or alleys shall not be used to conduct any parking maneuver, including backing out onto the street or alley.

b. Commercial deliveries. The commercial delivery and shipment of products, merchandise or supplies in straight trucks or smaller vehicles shall be encouraged.

c. Shared loading. A loading facility shared by two (2) or more uses may be provided in lieu of one (1) required automobile parking space, subject to the provisions of Chapter 540, Business Districts.

558.190. Exceptions to Linden Hills Overlay District (LHOD) site plan review requirements. The city planning commission may approve exceptions to the LHOD site plan review requirements upon finding that the use or development includes site amenities that address any adverse effects of the exception or where the planning commission finds that strict adherence to the requirements is impractical because of site location or conditions.

Yeas, 12; Nays none.

Absent - McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends granting the following applications for special permits, notwithstanding the Zoning Code –

a) Suburban Lighting Inc: Appl to replace the existing 12' "Union" sign with a 10' "Citgo" sign and to replace the existing gas canopy "Union 76" sign faces with "Citgo" sign faces as follows: three 3' X 3' signs on canopy "A" and two 3' X 3' signs on canopy "B", 2517 Riverside Av (#1997-082);

b) Darrill Berry: Appl to waive the full basement requirement at 3450-52 – 3rd Av S, subject to all other code compliance orders being fulfilled, including the engineer's recommendations (#1997-035).

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, to whom was referred back from Council on 6/6/97 an ordinance amending Title 20, Chapter 522 of the Minneapolis Code of Ordinances relating to **Zoning Code: In General**, to amend inconsistencies in the telecommunication tower regulations, clarify the original intent of the ordinance, require a conditional use permit for light poles and windmills, and to limit the number of freestanding antennas used for private reception and recreational purposes in the residential districts, now recommends that said ordinance be given its second reading for amendment and passage.

ORDINANCE 97-Or-059

By Scott

Intro & 1st Reading: 3/7/97

Ref to: Z&P

2nd Reading: 6/27/97

Amending Title 20, Chapter 522 of the Minneapolis Code of Ordinances relating to Zoning Code: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following definitions in Section 522.40 of the above-entitled ordinance be amended to read as follows:

522.40. Definitions. As used in the zoning code, the following words and phrases shall mean:

Communication antenna, facade mounted. A communication antenna mounted on the facade of an existing structure such as buildings, water towers, clock towers, steeples, and stacks which does not project above the facade on which it is mounted. Omni-directional whip antennas that append to the wall(s) of a penthouse may project up to fifteen (15) feet above the facade. Antennas shall not be mounted on skyway facades.

Communication antenna and tower, roof top mounted. A communication antenna or tower located on a residential structure of greater than fifty (50) feet in height and nonresidential structures such as a building, water tower, light pole, clock tower, steeple, stack, communication tower, power line pole, roof top, penthouse and similar structures. Antennas shall not be mounted on the roof of a skyway.

Communication tower. Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and mast, designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guyed towers or monopole towers.

A communication tower may include but not be limited to radio and television transmission towers, microwave towers, common carriers towers, cellular telephone towers, personal communication service towers.

A communication tower does not include a tower (less than fifty (50) feet in height if free-standing and fifteen (15) feet in height if roof mounted) used for amateur or recreational purposes such as ham radios, and antennas designed for private reception of television and radio signals.

For the purpose of siting communication towers, office residential districts (B1) shall be treated as a residential zoning district.

Height of communication antenna or tower.

The height of a freestanding communication antenna or tower is determined as the distance from ground level to the highest point on the tower, including the antenna.

The height of a rooftop communication antenna shall be measured from the point where the base of the antenna and its supporting structure appends to the roof to the highest point on the supporting structure, including the antenna.

~~When the supporting structure of an antenna appends to the wall(s) of a penthouse, the height of the antenna is the portion of the antenna and its supporting structure that projects above the penthouse.~~

Section 2. That Section 522.320 (1) be amended; (2) be amended by adding thereto new subdivisions (f) and (g); and (3) be amended by adding thereto a new subdivision (f), to read as follows:

522.320. Permitted uses. The following uses are permitted in all zoning districts subject to administrative approval by the zoning administrator and the planning director. Section 522.320 (1) is exempt from the provisions of section 522.330, administrative review process:

(1) Antennas designed for private reception of television and radio signals, including antennas (less than fifty (50) feet in height if free-standing and fifteen (15) feet in height if roof mounted) used for amateur or recreational purposes, provided one free-standing antenna and support structure shall be allowed per residential zoning lot and they are not located in any required front yard, side yard or open yard, nor shall they be located between a principal building and a required front yard, side yard or corner side yard. Free standing light or flag poles are permitted not to exceed the height of the highest point of the principal building or thirty-five (35) feet, whichever is less.

(2) Rooftop communication antennas that are not more than fifteen (15) feet in height. The applicant shall submit the following information to obtain administrative review:

f. Communication antennas proposed for any locally designated historic buildings or locally designated historic districts shall be subject to all requirements of the City's preservation ordinance.

g. Additions to an existing structure (excluding principal buildings such as apartment, office, medical, industrial, religious and

educational buildings) such as light pole, flag pole, communication tower or similar structures, shall not be allowed if such addition would increase the height of the structure beyond the height standards in section 522.345 (2) of the zoning code.

(3) Facade mounted communication antennas. The applicant shall submit the following information to obtain administrative review:

f. Communication antennas proposed for any locally designated historic buildings or locally designated historic districts shall be subject to all requirements of the City's preservation ordinance.

Section 3. That Chapter 522.325 of the above-entitled ordinance be and is hereby repealed.

522.325. Exceptions. (1) Communication antennas proposed for any locally designated historic buildings or locally designated historic districts shall be subject to all requirements of the city's preservation ordinance.

(2) ~~Light poles or flood lights built to provide lighting for institutional uses as defined in section 522.40 shall be considered an existing structure to mount antennas provided;~~

~~a. A written documentation detailing the need for the light pole or flood light and hours when the lights will be used shall be submitted to the zoning administrator.~~

~~b. Lighting used to illuminate open space shall be directed away from residential property and public streets in such a way that residential structures shall be shielded from direct rays of light and the light shall not exceed an intensity of illumination greater than two (2) foot candles measured at the contiguous street right of way line.~~

Section 4. That Chapter 522.330 of the Minneapolis Code of Ordinances be amended to read as follows:

522.330. Administrative review process and fees. The zoning administrator in consultation with the planning director shall have up to ten (10) working days following submittal of a completed application for administrative review for uses listed in section 522.320(2)(3). Any conditions attached thereto shall be in conformance with the standards contained in section 522.320 and, where applicable, section 522.345. The application fee for administrative review shall be three hundred dollars (\$300.00).

~~The time restriction for this section shall not be effective until thirty (30) days following final passage and publication of this ordinance.~~

Section 5. That Chapter 522.335 of the Minneapolis Code of Ordinances be amended to read as follows:

522.335. Appeal of the planning director's and zoning administrator's decision. Decisions of the planning director and zoning administrator shall be appealed pursuant to chapter 525.160, administration and enforcement.

Section 6. That Chapter 522.340 (3) and (6) of the Minneapolis Code of Ordinances be amended to read as follows:

522.340. Conditional uses. The following conditional uses may be allowed subject to the provisions of chapter 525, administration and enforcement.

(3) Free-standing communication towers in non residential districts. Free-standing communication towers are not permitted in the downtown area bounded by the Mississippi river, I-35W on the east, I-94 on the south and West, I-394, and 3rd Avenue North on the northwest.

(6) Light poles and ~~flood lights not in compliance with section 522.325(2)(b)~~ flag poles more than thirty-five (35) feet in height, not located in any public right of way, public street, highway or sidewalk, and windmills not located in residential and commercial districts. Lighting used to illuminate open space shall be directed away from residential property and public streets in such a way that residential structures shall be shielded from direct rays of light and the light shall not exceed an intensity of illumination greater than two (2) foot-candles or as determined by the Planning Commission measured at the contiguous street right-of-way line.

Section 7. That Chapter 522.345 (3) and (5) of the Minneapolis Code of Ordinances be amended, and by adding a new subsection (12) to read as follows:

522.345. Development standards for conditional uses. All communication antennas and towers requiring a conditional use permit are subject to the provisions of section 525, administration and enforcement. In addition, the applicant shall submit written documentation indicating compliance with the following standards:

(3) Proximity of the tower to residential structures. Communication towers shall maintain a minimum setback equal to twice the height of the tower from the nearest residential structure. For the purpose of this ordinance, residential structures shall also include any parking structure attached to the residential structure.

(5) Screening and landscaping. A screening and landscaping plan designed to screen the base of the tower and the base unit shall be submitted. The plan shall show location, size, quantity and type of landscape materials. Landscape materials shall be capable of screening the site all year. In order to establish landscaping as a dense, effective screen, the land space useable for landscaping shall be a strip of land not less than ten (10) feet in width. Preferably, one row of evergreen shrubs or trees native (to Minnesota and upper midwest) evergreen and deciduous shrubs, planted in staggered rows and capable of forming a continuous hedge at least six (6) feet in height within one year of planting shall be provided to effectively screen the communication antenna base and base unit. A maintenance plan for the landscape materials shall also be submitted for review by the planning commission. Other architectural screening plans such as a decorative fence or wall may be proposed for planning commission review.

(12) Base unit. The city may require as a condition of approval that base units be located underground.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Portions republished August 2, 1997.)

Z&P – Your Committee, having under consideration the petition of the Minneapolis Community Development Agency (#1202) to vacate alleys in the vicinity of 4th Av N, 7th Av N, 2nd St N and 1st St N, to assemble the site for construction of the River Station planned unit development project, now finds that said alleys are no longer needed for public travel and recommends concurrence in the recommendation of the Planning Commission that said petition be granted, subject to retention of easement rights by the City of Minneapolis, by passage of the accompanying resolution.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997.

Approved June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 1, 1997)

RESOLUTION 97R-179

By Scott

Vacating the alleys in the vicinity of 4th Avenue North, 7th Avenue North, 2nd Street North, and 1st Street North.

Resolved by The City Council of The City of Minneapolis:

That all that part of the alleys dedicated to the public in Blocks 27, 28, and 29, Town of Minneapolis, according to the plat thereof, Hennepin County, Minnesota are hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 1, 1997).

MOTIONS

Herron, Chair of the Claims Committee, moved concurrence in the reports received from the City Attorney (Petr No 262874) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Scott.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Jayne Lindquist for a residential block event to be held Saturday, June 14, 1997, between the hours of 4 PM and 9 PM on W 33rd Street between Garfield and Harriet Avenues South, having approval granted by Public Works and the Police departments to grant said waiver. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Scott.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Herron moved to waive the 10 a.m. event starting time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Kelby Brothen (Urban Ventures) for a residential block event to be held Saturday, July 19, 1997, between the hours of 8 a.m. and 2 p.m. on 5th Av S between 28th Street and the railroad track, having approval granted by Public Works and the Police departments to grant said waiver. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Scott.

Passed June 27, 1997.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Biernat moved to refer the subject matter of an Ordinance amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to

Licenses and Business Regulations:

Pawnbrokers, to conform to State law regarding records and receipts required, to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Minn moved to refer the subject matter of an amendment to Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to **Zoning Code: Administration and Enforcement**, to change the quorum required for the Board of Adjustment to five members, to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote.

RESOLUTIONS

RESOLUTION 97R-180

By Schulstad, Cherryhomes, Dziedzic, Campbell, Biernat, Rainville, Niland, Scott, Herron, Thurber, McDonald, Mead, Schulstad and Minn

Commending the Minneapolis Aquatennial Association.

Whereas, started in 1940, the 58th Annual Minneapolis Aquatennial will be celebrated July 18 – 27; and

Whereas, Minneapolis is noted for our magnificent lakes, river and park system; and

Whereas, the Aquatennial brings neighbors, families and friends close together to celebrate this great community; and

Whereas, the Aquatennial is a non-profit civic organization with over 700 volunteers who make possible enjoyable, wholesome activities for 15,000 participants and hundreds of thousands of spectators; and

Whereas, the festival provides entertainment and an opportunity for people in our surrounding communities to visit and play in our lakes, river and downtown; and

Whereas, many local businesses prosper and the local economy is stimulated by the festival; and

Whereas, significant positive media attention is devoted to our city as a result of the Aquatennial;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis Aquatennial is hereby recognized as the official civic celebration of the City of Minneapolis. The more than 700 volunteers who make this festival possible are congratulated and thanked for producing this high quality festival.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Scott.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-181

**By Rainville, Biernat,
Dziedzic, Campbell, Cherryhomes, Niland,
Scott, Herron, Thurber, McDonald, Mead,
Schulstad and Minn**

Commending the Minneapolis Police Chaplains Program.

Whereas, the Minneapolis Police Chaplains Program, created in 1972, has served the citizens of the City of Minneapolis for 25 years; and

Whereas, Police Chaplains have given of themselves to comfort those experiencing great tragedy, including the victims of crimes; and

Whereas, Police Chaplains have consoled the families of slain and injured Minneapolis Police Officers during their years of service; and

Whereas, Police Chaplain Father Terrence Hayes and Reverend Richard Smith have provided Minneapolis Police Officers and their families with spiritual guidance and healing during the officer's normal performance of duties; and

Whereas, Police Chaplains serve on-call 24 hours a day to counsel, comfort and assist the citizens of Minneapolis without cost to the taxpayers; and

Whereas, the Minneapolis Police Chaplains Program will continue to be an asset to our City's citizens;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis Police Chaplains Program be recognized and commended for 25 years of service to the City of Minneapolis.

Be It Further Resolved that Police Chaplain Father Terrence Hayes and Reverend Richard Smith be congratulated and thanked for 25 years of service to the Minneapolis Police Department.

Be It Further Resolved that the Minneapolis City Council extends to the Minneapolis Police Chaplains Program the thanks of the citizens of the City of Minneapolis.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Scott.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved July 2, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-182

**By Cherryhomes, Dziedzic, Thurber,
Campbell, Rainville, Mead, Schulstad,
Herron, Niland, Minn,
Biernat, McDonald, Scott**

Urging the Metropolitan Airports Commission to honor its commitment to insulate 1,200 homes per year in the noise impacted area.

Whereas, the Part 150 home noise insulation program has been a very popular and successful program in alleviating some of the effects of airport noise; and

Whereas, the Metropolitan Airports Commission has stated repeatedly that it is on a course to complete noise insulation treatment in all homes within the DNL 65 area by the year 2000; and

Whereas, in order to meet that deadline, it is necessary to complete 1,200 homes per year in each of the next four years; and

Whereas, the cost to insulate homes is increasing as larger and older homes are being treated; and

Whereas, the City of Minneapolis residents should not be penalized for having older, larger homes than is the case in some of the other noise impacted areas; and

Whereas, the Metropolitan Airports Commission over the past several years has spent millions of dollars acquiring New Ford Town and Rich Acres in the name of noise abatement; and

Whereas, the noise abatement dollars no longer needed for acquisition could be reallocated to insulation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we urge the Metropolitan Airports Commission to reallocate noise abatement money to cover the additional costs needed to maintain the pace of insulation of 1,200 homes per year necessary to adhere to the year 2000 deadline for completing all homes within the DNL 65.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Scott.

Passed June 27, 1997. J. Cherryhomes, President of Council.

Approved June 27, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published July 1, 1997).

NEW BUSINESS

Dziedzic offered an Ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to **Interim Ordinances**, adding a new Chapter 585 providing for a moratorium on establishment or expansion of day labor facilities, which was given its first reading and referred to the Zoning & Planning Committee.

Dziedzic introduced Dick Rainville, grandson of Council Member Rainville and an employee in the ITS Department who operated a camera which provided cable television coverage of this Council meeting.

Schulstad presented a resolution to John Brant, Ambassador, Vice Commander of the Minneapolis Aquatennial Association and Sara LaDue, Princess, visitors to the Council today.

Campbell moved to adjourn. Seconded.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Scott.

Adjourned.

MERRY KEEFE,

City Clerk.

97-6362

UNFINISHED BUSINESS

Raze Building: Auth at 3430 1st Av S.
(Postponed 1/24/97, PS&RS)

Herron moved to continue postponement.
Seconded.

Adopted upon a voice vote.

Biernat renewed notice of intent to discharge the Public Safety & Regulatory Services Committee from further consideration of an interim ordinance establishing a moratorium on the establishment of facilities with Class A liquor licenses having adult entertainment on the premises at the next regular meeting of the City Council.

Minn renewed notice of intent to discharge the Ways & Means/Budget Committee from further consideration of the Capital Long-Range Improvement Committee at the next regular meeting of the City Council.